2021

CUMULATIVE SUPPLEMENT

TO

MISSISSIPPI CODE

1972 ANNOTATED

Issued September 2021

CONTAINING PERMANENT PUBLIC STATUTES OF MISSISSIPPI
ENACTED THROUGH THE 2021 REGULAR SESSION

PUBLISHED BY AUTHORITY OF
THE LEGISLATURE

SUPPLEMENTING

Volume 8B

Title 27 (Chapters 21 to 53)

(As Revised 2017)

For latest statutes or assistance call 1-800-833-9844

By the Editorial Staff of the Publisher

LexisNexis®

2021

CUMULATIVE SUPPLEMENT

TO

MISSISSIPPI CODE

1972 ANNOTATED

Issued September 2021

CONTAINING PERMANENT PUBLIC STATUTES OF MISSISSIPPI
ENACTED THROUGH THE 2021 REGULAR SESSION

PUBLISHED BY AUTHORITY OF
THE LEGISLATURE

SUPPLEMENTING

Volume 8B

Title 27 (Chapters 21 to 53)

(As Revised 2017)

For latest statutes or assistance call 1-800-833-9844

By the Editorial Staff of the Publisher

LexisNexis®

QUESTIONS ABOUT THIS PUBLICATION?

For EDITORIAL QUESTIONS concerning this publication, or REPRINT PERMISSION, please call:
800-833-9844

For CUSTOMER SERVICE ASSISTANCE concerning replacement pages, shipments, billing or other matters, please call:

Customer Service Department at	800-833-9844
Outside the United States and Canada	518-487-3000
FAX	518-487-3584

For INFORMATION ON OTHER MATTHEW BENDER PUBLICATIONS, please call:

Your account manager or	800-223-1940
Outside the United States and Canada	518-487-3000

ISBN 978-0-327-09628-3 (Code set)
ISBN 978-1-5221-2626-3 (Volume 8B)

Matthew Bender & Company, Inc.

9443 Springboro Pike, Miamisburg, OH 45342

www.lexisnexis.com

(Pub. 44510)

User's Guide

In order to assist both the legal profession and the layman in obtaining the maximum benefit from the Mississippi Code of 1972 Annotated, a User's Guide has been included in the main volume. This guide contains comments and information on the many features found within the Code intended to increase the usefulness of the Code to the user.

PUBLISHER'S FOREWORD

Statutes

The 2021 Supplement to the Mississippi Code of 1972 Annotated reflects the statute law of Mississippi as amended by the Mississippi Legislature through the end of the 2021 Regular Legislative Session.

Annotations

Case annotations are included based on decisions of the State and federal courts in cases arising in Mississippi. Annotations to collateral research references are also included.

To better serve our customers by making our annotations more current, LexisNexis has changed the sources that are read to create annotations for this publication. Rather than waiting for cases to appear in printed reporters, we now read court decisions as they are released by the courts. A consequence of this more current reading of cases, as they are posted online on LexisNexis, is that the most recent cases annotated may not yet have print reporter citations. These will be provided, as they become available, through later publications.

This publication contains annotations taken from decisions of the Mississippi Supreme Court and the Court of Appeals and decisions of the appropriate federal courts. These cases will be printed in the following reporters:

Southern Reporter, 3rd Series
United States Supreme Court Reports
Supreme Court Reporter
United States Supreme Court Reports, Lawyers' Edition, 2nd Series
Federal Reporter, 4th Series
Federal Supplement, 3rd Series
Federal Rules Decisions
Bankruptcy Reporter

Additionally, annotations have been taken from the following sources:

American Law Reports, 6th Series
American Law Reports, Federal 2nd
Mississippi College Law Review
Mississippi Law Journal

Finally, published opinions of the Attorney General and opinions of the Ethics Commission have been examined for annotations.

Amendment Notes

Amendment notes detail how the new legislation affects existing sections.

Editor's Notes

Editor's notes summarize subject matter and legislative history of repealed sections, provide information as to portions of legislative acts that have not been codified, or explain other pertinent information.

Joint Legislative Committee Notes

Joint Legislative Committee notes explain codification decisions and corrections of Code errors made by the Mississippi Joint Legislative Committee on Compilation, Revision, and Publication of Legislation.

Tables

The Statutory Tables volume adds tables showing disposition of legislative acts through the 2021 Regular Session.

Index

The comprehensive Index to the Mississippi Code of 1972 Annotated is replaced annually, and we welcome customer suggestions. The foreword to the Index explains our indexing principles, suggests guidelines for successful index research, and provides methods for contacting indexers.

Acknowledgements

The publisher wishes to acknowledge the cooperation and assistance rendered by the Mississippi Joint Legislative Committee on Compilation, Revision, and Publication of Legislation, as well as the offices of the Attorney General and Secretary of State, in the preparation of this supplement.

User Information

Visit the LexisNexis website at http://www.lexisnexis.com for an online bookstore, technical support, customer support, and other company information.

For further information or assistance, please call us toll-free at (800) 833-9844, fax us toll-free at (800) 643-1280, e-mail us at customer.support@bender.com, or write to: Mississippi Code Editor, LexisNexis, 9443 Springboro Pike, Miamisburg, OH 45342.

September 2021 LexisNexis

SCHEDULE OF NEW SECTIONS

Added in this Supplement

CHAPTER 31. Ad Valorem Taxes — General Exemptions

IN GENERAL

Sec.

27-31-46. Limited exemption from ad valorem taxation of property of certain renewable energy projects.

.

MISSISSIPPI CODE
1972
ANNOTATED

VOLUME EIGHT B

TITLE 27.

TAXATION AND FINANCE

CHAPTER 25.

SEVERANCE TAXES

ARTICLE 5.

OIL SEVERED OR PRODUCED IN STATE.

§ 27-25-503. Privilege tax levied; exemptions [Paragraph (1)(c) repealed effective July 1, 2023].

(1)(a) Except as otherwise provided in this section, there is levied, to be collected as provided in this article, annual privilege taxes upon every person engaging or continuing within this state in the business of producing, or severing oil from the soil or water for sale, transport, storage, profit or for commercial use. The amount of the tax shall be measured by the value of the

oil produced, and shall be levied and assessed at the rate of six percent (6%) of the value of the oil at the point of production.

(b) The tax shall be levied and assessed at the rate of three percent (3%) of the value of the oil at the point of production on oil produced by an enhanced oil recovery method in which carbon dioxide is used; provided, that such carbon dioxide is transported by pipeline to the oil well site and on oil produced by any other enhanced oil recovery method approved and permitted by the State Oil and Gas Board on or after April 1, 1994, pursuant to Section 53-3-101 et seq.

(c)(i) The tax shall be levied and assessed at the rate of one and three-tenths percent (1.3%) of the value of the oil at the point of production on oil produced from a horizontally drilled well or from any horizontally drilled recompletion well from which production commences from and after July 1, 2013, for a period of thirty (30) months beginning on the date of first sale of production or until payout of the well cost is achieved, whichever first occurs. Thereafter, the tax shall be levied and assessed as provided for in paragraph (a) of this subsection.

(ii) Payout of a horizontally drilled well or horizontally drilled recompletion well shall be deemed to have occurred the first day of the next month after gross revenues, less royalties and severance taxes, equal to the cost to drill and complete the well.

(iii) Each operator must apply by letter to the State Oil and Gas Board for the reduced rate provided in this paragraph (c), and shall provide the board with the status of payout on a semiannual basis of any horizontally drilled well or horizontally drilled recompletion well by signed affidavit executed by a company representative.

(iv) This paragraph (c) shall be repealed from and after July 1, 2023; however, any horizontally drilled well or horizontally drilled recompletion well from which production commences before July 1, 2023, shall be taxed as provided for in this paragraph (c) notwithstanding that the repeal of this paragraph (c) has become effective.

(2) The tax is levied upon the entire production in this state regardless of the place of sale or to whom sold, or by whom used, or the fact that the delivery may be made to points outside the state, and the tax shall accrue at the time the oil is severed from the soil, or water, and in its natural, unrefined or unmanufactured state.

(3)(a) Oil produced from a discovery well for which drilling or re-entry commenced on or after April 1, 1994, but before July 1, 1999, shall be exempt from the taxes levied under this section for a period of five (5) years beginning on the date of first sale of production from such well, provided that the average monthly sales price of such oil does not exceed Twenty-five Dollars ($25.00) per barrel. The exemption for oil produced from a discovery well as described in this paragraph (a) shall be repealed from and after July 1, 2003, provided that any such production for which a permit was granted by the board before July 1, 2003, shall be exempt for an entire period of five (5) years, notwithstanding that the repeal of this provision has become

effective. Oil produced from development wells or replacement wells drilled in connection with discovery wells for which drilling commenced on or after January 1, 1994, but before July 1, 1999, shall be assessed at the rate of three percent (3%) of the value of the oil at the point of production for a period of three (3) years. The reduced rate of assessment of oil produced from development wells or replacement wells as described in this paragraph (a) shall be repealed from and after January 1, 2003, provided that any such production for which drilling commenced before January 1, 2003, shall be assessed at the reduced rate for an entire period of three (3) years, notwithstanding that the repeal of this provision has become effective.

(b) Oil produced from a discovery well for which drilling or re-entry commenced on or after July 1, 1999, shall be assessed at the rate of three percent (3%) of the value of the oil at the point of production for a period of five (5) years beginning on the date of first sale of production from such well, provided that the average monthly sales price of such oil does not exceed Twenty Dollars ($20.00) per barrel. The reduced rate of assessment of oil produced from a discovery well as described in this paragraph (b) shall be repealed from and after July 1, 2003, provided that any such production for which a permit was granted by the board before July 1, 2003, shall be assessed at the reduced rate for an entire period of five (5) years, notwithstanding that the repeal of this provision has become effective. Oil produced from development wells or replacement wells drilled in connection with discovery wells for which drilling commenced on or after July 1, 1999, shall be assessed at the rate of three percent (3%) of the value of the oil at the point of production for a period of three (3) years. The reduced rate of assessment of oil produced from development wells or replacement wells as described in this paragraph (b) shall be repealed from and after January 1, 2003, provided that any such production for which drilling commenced before July 1, 2003, shall be assessed at the reduced rate for an entire period of three (3) years, notwithstanding that the repeal of this provision has become effective.

(4)(a) Oil produced from a development well for which drilling commenced on or after April 1, 1994, but before July 1, 1999, and for which three-dimensional seismic was utilized in connection with the drilling of such well shall be assessed at the rate of three percent (3%) of the value of the oil at the point of production for a period of five (5) years, provided that the average monthly sales price of such oil does not exceed Twenty-five Dollars ($25.00) per barrel. The reduced rate of assessment of oil produced from a development well as described in this paragraph (a) and for which three-dimensional seismic was utilized shall be repealed from and after July 1, 2003, provided that any such production for which a permit was granted by the board before July 1, 2003, shall be assessed at the reduced rate for an entire period of five (5) years, notwithstanding that the repeal of this provision has become effective.

(b) Oil produced from a development well for which drilling commenced on or after July 1, 1999, and for which three-dimensional seismic was

utilized in connection with the drilling of such well shall be assessed at the rate of three percent (3%) of the value of the oil at the point of production for a period of five (5) years, provided that the average monthly sales price of such oil does not exceed Twenty Dollars ($20.00) per barrel. The reduced rate of assessment of oil produced from a development well as described in this paragraph (b) and for which three-dimensional seismic was utilized shall be repealed from and after July 1, 2003, provided that any such production for which a permit was granted by the board before July 1, 2003, shall be assessed at the reduced rate for an entire period of five (5) years, notwithstanding that the repeal of this provision has become effective.

(5)(a) Oil produced before July 1, 1999, from a two-year inactive well as defined in Section 27-25-501 shall be exempt from the taxes levied under this section for a period of three (3) years beginning on the date of first sale of production from such well, provided that the average monthly sales price of such oil does not exceed Twenty-five Dollars ($25.00) per barrel. The exemption for oil produced from an inactive well shall be repealed from and after July 1, 2003, provided that any such production which began before July 1, 2003, shall be exempt for an entire period of three (3) years, notwithstanding that the repeal of this provision has become effective.

(b) Oil produced on or after July 1, 1999, from a two-year inactive well as defined in Section 27-25-501 shall be exempt from the taxes levied under this section for a period of three (3) years beginning on the date of first sale of production from such well, provided that the average monthly sales price of such oil does not exceed Twenty Dollars ($20.00) per barrel. The exemption for oil produced from an inactive well shall be repealed from and after July 1, 2003, provided that any such production which began before July 1, 2003, shall be exempt for an entire period of three (3) years, notwithstanding that the repeal of this provision has become effective.

(6) [Repealed]

(7) The State Oil and Gas Board shall have the exclusive authority to determine the qualification of wells defined in paragraphs (n) through (t) of Section 27-25-501.

HISTORY: Codes, 1942, § 9417-02; Laws, 1944, ch. 134, § 2; Laws, 1984, ch. 451, § 1; Laws, 1987, ch. 428, § 1; Laws, 1988, ch. 485, § 1; Laws, 1989, ch. 520, § 1; Laws, 1994, ch. 545, § 2; Laws, 1995, ch. 531, § 2; Laws, 1999, ch. 523, § 1; Laws, 2013, ch. 533, § 2, eff from and after July 1, 2013; Laws, 2018, ch. 379, § 1, eff from and after passage (approved March 19, 2018).

Amendment Notes — The 2018 amendment, effective March 19, 2018, in (1)(c)(iv), extended the date of the repealer for paragraph (1)(c) by substituting "July 1, 2023" for "July 1, 2018" and substituted "commences before July 1, 2023" for "commences before July 1, 2018."

§ 27-25-519. Returns; administration.

The taxes levied hereunder shall be due and payable in monthly installments, on or before the twenty-fifth day of the second month next succeeding

the month in which the tax accrues. The taxpayer shall, on or before the twenty-fifth day of such second month, make out a return showing the amount of the tax for which he is liable for the month in which the tax accrued, and shall mail or send the same, together with a remittance for the amount of the tax due, to the office of the commissioner. Such monthly return shall be signed by the taxpayer or a duly authorized agent of the taxpayer, and shall be verified by oath.

All administrative provisions of the Mississippi Sales Tax Law, including those which fix damages, penalties, and interest for nonpayment of taxes and for noncompliance with the provisions of said chapter, and all other requirements and duties imposed upon taxpayers, shall apply to all persons liable for taxes under the provisions of this article, and the commissioner shall exercise all the power and authority and perform all the duties with respect to taxpayers under this article as are provided in said sales tax law, except where there is conflict, then the provisions of this article shall control. Any damages, penalties, or interest collected by the commissioner for nonpayment of taxes, or for noncompliance with the provisions of this article, shall be paid into the General Fund of the State Treasury by the commissioner.

The Department of Revenue may release production information to the State Oil and Gas Board on all oil produced in this state. Such information may include the name of the producer or operator and the total number of barrels produced for specific wells and time periods, but shall not include the value reported or the tax paid on such production. The State Oil and Gas Board shall provide the Department of Revenue with production information for each well, which information shall include field identification, county or counties where the well is located, well name and American Petroleum Institute number, operator name and well status. The information authorized in this section to be transferred between the Department of Revenue and State Oil and Gas Board shall be provided in formats as agreed upon by those agencies.

HISTORY: Codes, 1942, § 9417-10; Laws, 1944, ch. 134, § 9; Laws, 1996, ch. 382, § 1, eff from and after July 1, 1996; Laws, 2020, ch. 325, § 1, eff from and after January 1, 2021.

Amendment Notes — The 2020 amendment, effective January 1, 2021, in the first paragraph, inserted "second" in the first sentence, and substituted "such second month" for "the month and "the month in which the tax accrued" for "the preceding month" in the second sentence; and in the last paragraph, substituted "Department of Revenue" for "tax commission" everywhere it appears.

ARTICLE 7.

NATURAL GAS SEVERED OR PRODUCED IN STATE.

Sec.

§ 27-25-703. Privilege tax levied; exemptions [Paragraph (1)(b) repealed effective July 1, 2023].

(1)(a) Except as otherwise provided in this section, there is hereby levied, to be collected as provided in this article, annual privilege taxes upon every person engaging or continuing within this state in the business of producing, or severing gas from below the soil or water for sale, transport, storage, profit or for commercial use. The amount of the tax shall be measured by the value of the gas produced and shall be levied and assessed at a rate of six percent (6%) of the value of the gas at the point of production, except as otherwise provided in subsection (4) of this section.

(b)(i) The tax shall be levied and assessed at the rate of one and three-tenths percent (1.3%) of the value of the gas at the point of production on gas produced from a horizontally drilled well or from any horizontally drilled recompletion well from which production commences from and after July 1, 2013, for a period of thirty (30) months beginning on the date of first sale of production or until payout of the well cost is achieved, whichever first occurs. Thereafter, the tax shall be levied and assessed as provided for in paragraph (a) of this subsection.

(ii) Payout of a horizontally drilled well or horizontally drilled recompletion well shall be deemed to have occurred the first day of the next month after gross revenues, less royalties and severance taxes, equal to the cost to drill and complete the well.

(iii) Each operator must apply by letter to the State Oil and Gas Board for the reduced rate provided in this paragraph (b), and shall provide the board with the status of payout on a semiannual basis of any horizontally drilled well or horizontally drilled recompletion well by signed affidavit executed by a company representative.

(iv) This paragraph (b) shall be repealed from and after July 1, 2023; however, any horizontally drilled well or horizontally drilled recompletion well from which production commences before July 1, 2023, shall be taxed as provided for in this paragraph (b) notwithstanding that the repeal of this paragraph (b) has become effective.

(2) The tax is levied upon the entire production in this state, regardless of the place of sale or to whom sold or by whom used, or the fact that the delivery may be made to points outside the state, but not levied upon that gas, lawfully injected into the earth for cycling, repressuring, lifting or enhancing the recovery of oil, nor upon gas lawfully vented or flared in connection with the production of oil, nor upon gas condensed into liquids on which the oil severance tax of six percent (6%) is paid; however, if any gas so injected into the earth is sold for such purposes, then the gas so sold shall not be excluded in computing the tax. The tax shall accrue at the time the gas is produced or severed from the soil or water, and in its natural, unrefined or unmanufactured state.

(3) Natural gas and condensate produced from any wells for which drilling is commenced after March 15, 1987, and before July 1, 1990, shall be

exempt from the tax levied under this section for a period of two (2) years beginning on the date of first sale of production from such wells.

(4)(a) Any well which begins commercial production of occluded natural gas from coal seams on or after March 20, 1990, and before July 1, 1993, shall be taxed at the rate of three and one-half percent (3-1/2%) of the gross value of the occluded natural gas from coal seams at the point of production for a period of five (5) years after such well begins production.

(b) Any well which begins commercial production of occluded natural gas from coal seams on or after July 1, 2004, and before July 1, 2007, shall be taxed at the rate of three percent (3%) of the gross value of the occluded natural gas from coal seams at the point of production for a period of five (5) years beginning on the date of the first sale of production from such well.

(5)(a) Natural gas produced from discovery wells for which drilling or re-entry commenced on or after April 1, 1994, but before July 1, 1999, shall be exempt from the tax levied under this section for a period of five (5) years beginning on the earlier of one (1) year from completion of the well or the date of first sale from such well, provided that the average monthly sales price of such gas does not exceed Three Dollars and Fifty Cents ($3.50) per one thousand (1,000) cubic feet. The exemption for natural gas produced from discovery wells as described in this paragraph (a) shall be repealed from and after July 1, 2003, provided that any such production for which a permit was granted by the board before July 1, 2003, shall be exempt for an entire period of five (5) years, notwithstanding that the repeal of this provision has become effective. Natural gas produced from development wells or replacement wells drilled in connection with discovery wells for which drilling commenced on or after January 1, 1994, shall be assessed at a rate of three percent (3%) of the value thereof at the point of production for a period of three (3) years. The reduced rate of assessment of natural gas produced from development wells or replacement wells as described in this paragraph (a) shall be repealed from and after January 1, 2003, provided that any such production for which drilling commenced before January 1, 2003, shall be assessed at the reduced rate for an entire period of three (3) years, notwithstanding that the repeal of this provision has become effective.

(b) Natural gas produced from discovery wells for which drilling or re-entry commenced on or after July 1, 1999, shall be assessed at a rate of three percent (3%) of the value thereof at the point of production for a period of five (5) years beginning on the earlier of one (1) year from completion of the well or the date of first sale from such well, provided that the average monthly sales price of such gas does not exceed Two Dollars and Fifty Cents ($2.50) per one thousand (1,000) cubic feet. The reduced rate of assessment of natural gas produced from discovery wells as described in this paragraph (b) shall be repealed from and after July 1, 2003, provided that any such production for which a permit was granted by the board before July 1, 2003, shall be assessed at the reduced rate for an entire period of five (5) years, notwithstanding that the repeal of this provision has become effective. Natural gas produced from development wells or replacement wells drilled

in connection with discovery wells for which drilling commenced on or after July 1, 1999, shall be assessed at a rate of three percent (3%) of the value thereof at the point of production for a period of three (3) years. The reduced rate of assessment of natural gas produced from development wells or replacement wells as described in this paragraph (b) shall be repealed from and after January 1, 2003, provided that any such production for which drilling commenced before January 1, 2003, shall be assessed at the reduced rate for an entire period of three (3) years, notwithstanding that the repeal of this provision has become effective.

(6)(a) Gas produced from a development well for which drilling commenced on or after April 1, 1994, but before July 1, 1999, and for which three-dimensional seismic was utilized in connection with the drilling of such well, shall be assessed at a rate of three percent (3%) of the value of the gas at the point of production for a period of five (5) years, provided that the average monthly sales price of such gas does not exceed Three Dollars and Fifty Cents ($3.50) per one thousand (1,000) cubic feet. The reduced rate of assessment of gas produced from a development well as described in this subsection and for which three-dimensional seismic was utilized shall be repealed from and after July 1, 2003, provided that any such production for which a permit was granted by the board before July 1, 2003, shall be assessed at the reduced rate for an entire period of five (5) years, notwithstanding that the repeal of this provision has become effective.

(b) Gas produced from a development well for which drilling commenced on or after July 1, 1999, and for which three-dimensional seismic was utilized in connection with the drilling of such well, shall be assessed at a rate of three percent (3%) of the value of the gas at the point of production for a period of five (5) years, provided that the average monthly sales price of such gas does not exceed Two Dollars and Fifty Cents ($2.50) per one thousand (1,000) cubic feet. The reduced rate of assessment of gas produced from a development well as described in this paragraph (b) and for which three-dimensional seismic was utilized shall be repealed from and after July 1, 2003, provided that any such production for which a permit was granted by the board before July 1, 2003, shall be assessed at the reduced rate for an entire period of five (5) years, notwithstanding that the repeal of this provision has become effective.

(7)(a) Natural gas produced before July 1, 1999, from a two-year inactive well as defined in Section 27-25-701 shall be exempt from the taxes levied under this section for a period of three (3) years beginning on the date of first sale of production from such well, provided that the average monthly sales price of such gas does not exceed Three Dollars and Fifty Cents ($3.50) per one thousand (1,000) cubic feet. The exemption for natural gas produced from an inactive well as described in this subsection shall be repealed from and after July 1, 2003, provided that any such production which began before July 1, 2003, shall be exempt for an entire period of three (3) years, notwithstanding that the repeal of this provision has become effective.

(b) Natural gas produced on or after July 1, 1999, from a two-year inactive well as defined in Section 27-25-701 shall be exempt from the taxes

levied under this section for a period of three (3) years beginning on the date of first sale of production from such well, provided that the average monthly sales price of such gas does not exceed Two Dollars and Fifty Cents ($2.50) per one thousand (1,000) cubic feet. The exemption for natural gas produced from an inactive well as described in this paragraph (b) shall be repealed from and after July 1, 2003, provided that any such production which began before July 1, 2003, shall be exempt for an entire period of three (3) years, notwithstanding that the repeal of this provision has become effective.

(8) The State Oil and Gas Board shall have the exclusive authority to determine the qualification of wells defined in paragraphs (n) through (t) of Section 27-25-701.

HISTORY: Codes, 1942, § 9417.5-02; Laws, 1948, ch. 447, § 2; Laws, 1984, ch. 451, § 2; Laws, 1987, ch. 428, § 2; Laws, 1988, ch. 485, § 2; Laws, 1989, ch. 520, § 2; Laws, 1990, ch. 439, § 1; Laws, 1994, ch. 545, § 4; Laws, 1995, ch. 531, § 4; Laws, 1999, ch. 460, § 2; Laws, 1999, ch. 523, § 2; Laws, 2004, ch. 496, § 2; Laws, 2013, ch. 533, § 5, eff from and after July 1, 2013; Laws, 2018, ch. 379, § 2, eff from and after passage (approved March 19, 2018).

Amendment Notes — The 2018 amendment, effective March 19, 2018, in (1)(b)(iv), extended the date of the repealer for paragraph (1)(b) by substituting "July 1, 2023" for "July 1, 2018" and substituted "commences before July 1, 2023" for "commences before July 1, 2018."

§ 27-25-717. Returns; administration.

The taxes levied hereunder shall be due and payable in monthly installments on or before the twenty-fifth day of the second month next succeeding the month in which the tax accrues. The taxpayer shall, on or before the twenty-fifth day of such second month, make out a return showing the amount of the tax for which he is liable for the month in which the tax accrued and shall mail or send the same, together with a remittance for the amount of the tax due, to the office of the commissioner. Such monthly return shall be signed by the taxpayer or a duly authorized agent of the taxpayer and shall be verified by oath.

All administrative provisions of the Mississippi Sales Tax Law, including those which fix damages, penalties, and interest for nonpayment of taxes and for noncompliance with the provisions of said chapter, and all other requirements and duties imposed upon taxpayers shall apply to all persons liable for taxes under the provisions of this article, and the commissioner shall exercise all the power and authority and perform all the duties with respect to taxpayers under this article as are provided in said Mississippi Sales Tax Law, except where there is conflict, then the provisions of this article shall control. Provided, however, the statute of limitations for examining returns or to recover taxes and interest on funds held in escrow on price increases shall be three (3) years from the time the tax and interest is withdrawn from the State Depository for distribution to the State Treasury and to the county or counties in which the gas was produced.

Any damages, penalties, or interest collected by the commissioner for nonpayment of taxes or for noncompliance with the provisions of this article shall be paid into the General Fund of the State Treasury by the commissioner.

The Department of Revenue may release production information to the State Oil and Gas Board on all gas produced in this state. Such information may include the name of the producer or operator and the total number of million cubic feet produced for specific wells and time periods, but shall not include the value reported or the tax paid on such production. The State Oil and Gas Board shall provide the Department of Revenue with production information for each well, which information shall include field identification, county or counties where the well is located, well name and American Petroleum Institute number, operator name and well status. The information authorized in this section to be transferred between the Department of Revenue and State Oil and Gas Board shall be provided in formats as agreed upon by those agencies.

HISTORY: Codes, 1942, § 9417.5-09; Laws, 1948, ch. 447, § 9; Laws, 1971, ch. 465 § 2; Laws, 1996, ch. 382, § 2, eff from and after July 1, 1996; Laws, 2020, ch. 325, § 2, eff from and after January 1, 2021.

Amendment Notes — The 2020 amendment, effective January 1, 2021, in the first paragraph, inserted "second" in the first sentence, and substituted "such second month" for "the month and "the month in which the tax accrued" for "the preceding month" in the second sentence; and in the last paragraph, substituted "Department of Revenue" for "tax commission" everywhere it appears.

CHAPTER 31.

AD VALOREM TAXES—GENERAL EXEMPTIONS

IN GENERAL

Sec.

§ 27-31-1. Exempt property.

The following shall be exempt from taxation:

(a) All cemeteries used exclusively for burial purposes.

(b) All property, real or personal, belonging to the State of Mississippi or any of its political subdivisions, except property of a municipality not being used for a proper municipal purpose and located outside the county or counties in which such municipality is located. A proper municipal purpose within the meaning of this section shall be any authorized governmental or corporate function of a municipality.

(c) All property, real or personal, owned by units of the Mississippi National Guard, or title to which is vested in trustees for the benefit of any unit of the Mississippi National Guard; provided such property is used exclusively for such unit, or for public purposes, and not for profit.

(d) All property, real or personal, belonging to any religious society, or ecclesiastical body, or any congregation thereof, or to any charitable society, or to any historical or patriotic association or society, or to any garden or pilgrimage club or association and used exclusively for such society or association and not for profit; not exceeding, however, the amount of land which such association or society may own as provided in Section 79-11-33. All property, real or personal, belonging to any rural waterworks system or rural sewage disposal system incorporated under the provisions of Section 79-11-1. All property, real or personal, belonging to any college or institution for the education of youths, used directly and exclusively for such purposes, provided that no such college or institution for the education of youths shall have exempt from taxation more than six hundred forty (640) acres of land; provided, however, this exemption shall not apply to commercial schools and colleges or trade institutions or schools where the profits of same inure to individuals, associations or corporations. All property, real or personal, belonging to an individual, institution or corporation and used for the operation of a grammar school, junior high school, high school or military school. All property, real or personal, owned and occupied by a fraternal and benevolent organization, when used by such organization, and from which no rentals or other profits accrue to the organization, but any part rented or from which revenue is received shall be taxed.

(e) All property, real or personal, held and occupied by trustees of public schools, and school lands of the respective townships for the use of public schools, and all property kept in storage for the convenience and benefit of the State of Mississippi in warehouses owned or leased by the State of Mississippi, wherein said property is to be sold by the Alcoholic Beverage Control Division of the Department of Revenue of the State of Mississippi.

(f) All property, real or personal, whether belonging to religious or charitable or benevolent organizations, which is used for hospital purposes, and nurses' homes where a part thereof, and which maintain one or more charity wards that are for charity patients, and where all the income from said hospitals and nurses' homes is used entirely for the purposes thereof and no part of the same for profit.

(g) The wearing apparel of every person; and also jewelry and watches kept by the owner for personal use to the extent of One Hundred Dollars ($100.00) in value for each owner.

(h) Provisions on hand for family consumption.

(i) All farm products grown in this state for a period of two (2) years after they are harvested, when in the possession of or the title to which is in the producer, except the tax of one-fifth of one percent (1/5 of 1%) per pound on lint cotton now levied by the Board of Commissioners of the Mississippi Levee District; and lint cotton for five (5) years, and cottonseed, soybeans, oats, rice and wheat for one (1) year regardless of ownership.

(j) All guns and pistols kept by the owner for private use.

(k) All poultry in the hands of the producer.

(*l*) Household furniture, including all articles kept in the home by the owner for his own personal or family use; but this shall not apply to hotels, rooming houses or rented or leased apartments.

(m) All cattle and oxen.

(n) All sheep, goats and hogs.

(o) All horses, mules and asses.

(p) Farming tools, implements and machinery, when used exclusively in the cultivation or harvesting of crops or timber.

(q) All property of agricultural and mechanical associations and fairs used for promoting their objects, and where no part of the proceeds is used for profit.

(r) The libraries of all persons.

(s) All pictures and works of art, not kept for or offered for sale as merchandise.

(t) The tools of any mechanic necessary for carrying on his trade.

(u) All state, county, municipal, levee, drainage and all school bonds or other governmental obligations, and all bonds and/or evidences of debts issued by any church or church organization in this state, and all notes and evidences of indebtedness which bear a rate of interest not greater than the maximum rate per annum applicable under the law; and all money loaned at a rate of interest not exceeding the maximum rate per annum applicable under the law; and all stock in or bonds of foreign corporations or associations shall be exempt from all ad valorem taxes.

(v) All lands and other property situated or located between the Mississippi River and the levee shall be exempt from the payment of any and all road taxes levied or assessed under any road laws of this state.

(w) Any and all money on deposit in either national banks, state banks or trust companies, on open account, savings account or time deposit.

(x) All wagons, carts, drays, carriages and other horse-drawn vehicles, kept for the use of the owner.

(y)(i) Boats, seines and fishing equipment used in fishing and shrimping operations and in the taking or catching of oysters.

(ii) All towboats, tugboats and barges documented under the laws of the United States, except watercraft of every kind and character used in connection with gaming operations.

(z)(i) All materials used in the construction and/or conversion of vessels in this state;

(ii) Vessels while under construction and/or conversion;

(iii) Vessels while in the possession of the manufacturer, builder or converter, for a period of twelve (12) months after completion of construction and/or conversion; however, the twelve-month limitation shall not apply to:

1. Vessels used for the exploration for, or production of, oil, gas and other minerals offshore outside the boundaries of this state; or

2. Vessels that were used for the exploration for, or production of, oil, gas and other minerals that are converted to a new service for use outside the boundaries of this state;

(iv)1. In order for a vessel described in subparagraph (iii) of this paragraph (z) to be exempt for a period of more than twelve (12) months, the vessel must:

a. Be operating or operable, generating or capable of generating its own power or connected to some other power source, and not removed from the service or use for which manufactured or to which converted; and

b. The manufacturer, builder, converter or other entity possessing the vessel must be in compliance with any lease or other agreement with any applicable port authority or other entity regarding the vessel and in compliance with all applicable tax laws of this state and applicable federal tax laws.

2. A vessel exempt from taxation under subparagraph (iii) of this paragraph (z) may not be exempt for a period of more than three (3) years unless the board of supervisors of the county and/or governing authorities of the municipality, as the case may be, in which the vessel would otherwise be taxable adopts a resolution or ordinance authorizing the extension of the exemption and setting a maximum period for the exemption.

(v) As used in this paragraph (z), the term "vessel" includes ships, offshore drilling equipment, dry docks, boats and barges, except watercraft of every kind and character used in connection with gaming operations.

(aa) Sixty-six and two-thirds percent (66-2/3%) of nuclear fuel and reprocessed, recycled or residual nuclear fuel by-products, fissionable or otherwise, used or to be used in generation of electricity by persons defined as public utilities in Section 77-3-3.

(bb) All growing nursery stock.

(cc) A semitrailer used in interstate commerce.

(dd) All property, real or personal, used exclusively for the housing of and provision of services to elderly persons, disabled persons, mentally impaired persons or as a nursing home, which is owned, operated and managed by a not-for-profit corporation, qualified under Section 501(c)(3) of the Internal Revenue Code, whose membership or governing body is appointed or confirmed by a religious society or ecclesiastical body or any congregation thereof.

(ee) All vessels while in the hands of bona fide dealers as merchandise and which are not being operated upon the waters of this state shall be exempt from ad valorem taxes. As used in this paragraph, the terms "vessel" and "waters of this state" shall have the meaning ascribed to such terms in Section 59-21-3.

(ff) All property, real or personal, owned by a nonprofit organization that: (i) is qualified as tax exempt under Section 501(c)(4) of the Internal Revenue Code of 1986, as amended; (ii) assists in the implementation of the national contingency plan or area contingency plan, and which is created in response to the requirements of Title IV, Subtitle B of the Oil Pollution Act of 1990, Public Law 101-380; (iii) engages primarily in programs to contain, clean up and otherwise mitigate spills of oil or other substances occurring in the United States coastal or tidal waters; and (iv) is used for the purposes of the organization.

(gg) If a municipality changes its boundaries so as to include within the boundaries of such municipality the project site of any project as defined in Section 57-75-5(f)(iv)1, Section 57-75-5(f)(xxi) or Section 57-75-5(f)(xxviii) or Section 57-75-5(f)(xxix), all real and personal property located on the project site within the boundaries of such municipality that is owned by a business enterprise operating such project, shall be exempt from ad valorem taxation for a period of time not to exceed thirty (30) years upon receiving approval for such exemption by the Mississippi Major Economic Impact Authority. The provisions of this paragraph shall not be construed to authorize a breach of any agreement entered into pursuant to Section 21-1-59.

(hh) All leases, lease contracts or lease agreements (including, but not limited to, subleases, sublease contracts and sublease agreements), and leaseholds or leasehold interests (including, but not limited to, subleaseholds and subleasehold interests), of or with respect to any and all property (real, personal or mixed) constituting all or any part of a facility for the manufacture, production, generation, transmission and/or distribution of electricity, and any real property related thereto, shall be exempt from ad valorem taxation during the period as the United States is both the title owner of the property and a sublessee of or with respect to the property; however, the exemption authorized by this paragraph (hh) shall not apply to any entity to whom the United States sub-subleases its interest in the property nor to any entity to whom the United States assigns its sublease interest in the property. As used in this paragraph, the term "United States" includes an agency or instrumentality of the United States of America. This paragraph (hh) shall apply to all assessments for ad valorem taxation for the 2003 calendar year and each calendar year thereafter.

(ii) All property, real, personal or mixed, including fixtures and leaseholds, used by Mississippi nonprofit entities qualified, on or before January 1, 2005, under Section 501(c)(3) of the Internal Revenue Code to provide support and operate technology incubators for research and development startup companies, telecommunication startup companies and/or other technology startup companies, utilizing technology spun-off from research

and development activities of the public colleges and universities of this state, State of Mississippi governmental research or development activities resulting therefrom located within the State of Mississippi.

(jj) All property, real, personal or mixed, including fixtures and leaseholds, of startup companies (as described in paragraph (ii) of this section) for the period of time, not to exceed five (5) years, that the startup company remains a tenant of a technology incubator (as described in paragraph (ii) of this section).

(kk) All leases, lease contracts or lease agreements (including, but not limited to, subleases, sublease contracts and sublease agreements), and leaseholds or leasehold interests, of or with respect to any and all property (real, personal or mixed) constituting all or any part of an auxiliary facility, and any real property related thereto, constructed or renovated pursuant to Section 37-101-41, Mississippi Code of 1972.

(*ll*) Equipment brought into the state temporarily for use during a disaster response period as provided in Sections 27-113-1 through 27-113-9 and subsequently removed from the state on or before the end of the disaster response period as defined in Section 27-113-5.

(mm) For any lease or contractual arrangement to which the Department of Finance and Administration and a nonprofit corporation are a party to as provided in Section 39-25-1(5), the nonprofit corporation shall, along with the possessory and leasehold interests and/or real and personal property of the corporation, be exempt from all ad valorem taxation, including, but not limited to, school, city and county ad valorem taxes, for the term or period of time stated in the lease or contractual arrangement.

(nn) All property, real or personal, that is owned, operated and managed by a not-for-profit corporation qualified under Section 501(c)(3) of the Internal Revenue Code, and used to provide, free of charge, (i) a practice facility for a public school district swim team, and (ii) a facility for another not-for-profit organization as defined under Section 501(c)(3) of the Internal Revenue Code to conduct water safety and lifeguard training programs. This section shall not apply to real or personal property owned by a country club, tennis club with a pool, or any club requiring stock ownership for membership.

HISTORY: Codes, Hutchinson's 1848, ch. 8, art. 2 (1); 1857, ch. 3, art. 11; 1871, § 1662; 1880, § 468; 1892, § 3744; 1906, § 4251; Hemingway's 1917, § 6878; 1930, § 3108; 1942, § 9697; Laws, 1928, ch. 185; Laws, 1932, chs. 137, 289; Laws, 1934, ch. 157; Laws, 1935, ch. 23; Laws, 1938, ch. 128; Laws, 1946, ch. 234, § 1; Laws, 1952, ch. 424; Laws, 1954, ch. 384; Laws, 1958, ch. 564; Laws, 1960, chs. 464, 465; Laws, 1966, ch. 639, § 1; Laws, 1968, ch. 582, § 1; Laws, 1971, ch. 412, § 1; Laws, 1972, ch. 448, § 1; Laws, 1978, ch. 410, § 4; Laws, 1980, ch. 479; Laws, 1984, ch. 456, § 1; Laws, 1986, ch. 403, § 1; Laws, 1988, ch. 506, § 2; Laws, 1990, ch. 463, § 1; Laws, 1992, ch. 418, § 1; Laws, 1993, ch. 604, § 1; Laws, 1998, ch. 469, § 1; Laws, 1999, ch. 450, § 1; Laws, 2000, 3rd Ex Sess, ch. 1, § 23; Laws, 2003, ch. 476, § 1; Laws, 2004, ch. 494, § 1; Laws, 2007, ch. 303, § 8; Laws, 2009, ch. 565, § 4; Laws, 2013, 1st Ex Sess, ch. 1, § 14; Laws, 2015, ch. 420, § 11; Laws, 2016, 1st Ex Sess, ch. 1, § 12; Laws, 2017, ch. 361, § 2; Laws, 2017, ch. 413, § 1, eff from and after July 1, 2017; Laws, 2021, ch. 408, § 1, eff from and after January 1, 2021.

Editor's Notes — Laws of 2021, ch. 408, § 2, effective January 1, 2021, provides: "SECTION 2. Nothing in this act shall affect or defeat any claim, assessment, appeal, suit, right or cause of action for taxes due or accrued under the ad valorem tax laws before the date on which this act becomes effective, whether such claims, assessments, appeals, suits or actions have been begun before the date on which this act becomes effective or are begun thereafter; and the provisions of the ad valorem tax laws are expressly continued in full force, effect and operation for the purpose of the assessment, collection and enrollment of liens for any taxes due or accrued and the execution of any warrant under such laws before the date on which this act becomes effective, and for the imposition of any penalties, forfeitures or claims for failure to comply with such laws."

Amendment Notes — The 2021 amendment, effective January 1, 2021, added (nn).

§ 27-31-31. Structures within central business district of municipality.

(1) The governing authorities of any municipality are authorized, in their discretion, to grant exemptions from ad valorem taxation, except ad valorem taxation for school district purposes, for new structures or improvements to or renovations of existing structures located in the designated central business district of the municipality, for a period of not more than ten (10) years from the date of the completion of the new structure or the improvement to or renovation of the existing structure for which the exemption is granted.

(2) The governing authorities of any municipality are authorized, in their discretion, to grant exemptions from ad valorem taxation, except ad valorem taxation for school district purposes, for improvement to or renovation of municipally designated residential renewal districts, for a period of not more than ten (10) years from the date of the completion of the improvement to or renovation of the designated residential renewal district for which the exemption is granted.

(3) Any person, firm or corporation desiring to obtain the exemption authorized in this section shall first file a written application therefor with the governing authorities of the municipality, providing full information about the property for which the exemption is requested, including the true value of all such property, and the date from which the exemption is to begin. Any application for an exemption under this section must be made within twelve (12) months from the date of the completion of the new structure or the improvement to or renovation of the existing structure for which the exemption is requested. The governing authorities of the municipality may, by order spread on their minutes, approve such application for all or any part of the property for which the exemption is requested and for all or any part of the authorized period of exemption. The order shall specify the property to be exempted and the dates when such exemption begins and expires. The municipal clerk shall record the application and the order approving the same in a book kept in his office for that purpose, and shall file one (1) copy of the application and the order with the Chairman of the Department of Revenue.

(4) Any exemption granted under this section shall be in lieu of ad valorem tax exemptions authorized under any other provision of law.

HISTORY: Laws, 1985, ch. 498; Laws, 2009, ch. 546, § 6, eff from and after

passage (approved Apr. 15, 2009); Laws, 2018, ch. 436, § 2, eff from and after July 1, 2018.

Amendment Notes — The 2018 amendment added (2) and redesignated former (2) and (3) as (3) and (4) respectively; and substituted "Department of Revenue" for "State Tax Commission" in (3).

§ 27-31-32. Exemption from certain ad valorem taxes for residential structures improved, renovated or converted in areas designated as blighted; procedure.

(1) The governing authorities of any municipality are authorized, in their discretion, to grant exemptions from ad valorem taxation, except ad valorem taxation for school district purposes, for improvements to or renovations of existing residential structures or existing structures converted for residential use that are located in the areas that are designated as blighted by the municipality, for a period of not more than ten (10) years from the date of the completion of the improvement to or renovation of the existing structure for which the exemption is granted.

(2) The governing authorities of any municipality are authorized, in their discretion to grant exemptions from ad valorem taxation, except ad valorem taxation for school district purposes, for improvement to or renovation of municipally designated residential renovation districts, for a period of not more than ten (10) years from the date of the completion of the improvement to or renovation of the designated residential renovation district for which the exemption is granted.

(3) Any person, firm or corporation desiring to obtain the exemption authorized in this section shall first file a written application for the exemption with the governing authorities of the municipality, providing full information about the property for which the exemption is requested, including the true value of the property, and the date from which the exemption is to begin. Any application for an exemption under this section must be made within twelve (12) months from the date of the completion of the improvement to or renovation of the existing structure for which the exemption is requested. The governing authorities of the municipality may, by order spread on their minutes, approve an application for all or any part of the property for which the exemption is requested and for all or any part of the authorized period of exemption. The order shall specify the property to be exempted and the dates when the exemption begins and expires. The municipal clerk shall record the application and the order approving the exemption in a book kept in his office for that purpose, and shall file one (1) copy of the application and the order with the Department of Revenue.

(4) Any exemption granted under this section shall be in lieu of ad valorem tax exemptions authorized under any other provision of law.

HISTORY: Laws, 2013, ch. 504, § 2, eff from and after July 1, 2013; Laws, 2018, ch. 436, § 3, eff from and after July 1, 2018.

Amendment Notes — The 2018 amendment added (2) and redesignated former (2) and (3) as (3) and (4), respectively.

§ 27-31-46. Limited exemption from ad valorem taxation of property of certain renewable energy projects.

(1) As used in this section, "project" means a facility, placed in operation after April 16, 2021, generating energy through the use of a renewable energy source such as wind, water, biomass or solar.

(2) In any project with a capital investment from private sources of not less than One Hundred Million Dollars ($100,000,000.00), all property, whether real, personal or mixed, including fixtures and leaseholds utilized in the project, including, but not limited to, operational and environmental property utilized in the project, may be exempted by the county board of supervisors from ad valorem taxation up to an amount not to exceed fifty percent (50%) of the total assessed value of the project.

HISTORY: Laws, 2021, ch. 447, § 1, eff from and after passage (approved April 16, 2021).

FREE PORT WAREHOUSES

Sec.

§ 27-31-53. Exemption from taxation of personal property in transit through state.

All personal property in transit through this state which is (a) moving in interstate commerce through or over the territory of the State of Mississippi, (b) which was consigned or transferred to a licensed "free port warehouse," public or private, within the State of Mississippi for storage in transit to a final destination outside the State of Mississippi, whether specified when transportation begins or afterward, (c) manufactured in the State of Mississippi and stored in separate facilities, structures, places or areas maintained by a manufacturer, licensed as a free port warehouse, for temporary storage or handling pending transit to a final destination outside the State of Mississippi, or (d) consigned or transferred to a licensed free port warehouse, public or private, within the State of Mississippi, for storage pending transit to not more than one (1) other location in this state for production or processing into a component or part that is then transported to a final destination outside of the State of Mississippi, may, in the discretion of the board of supervisors of the county wherein the warehouse or storage facility is located, and in the discretion of the governing authorities of the municipality wherein the warehouse or storage facility is located, as the case may be, be exempt from all ad valorem taxes imposed by the respective county or municipality and the

property exempted therefrom shall not be deemed to have acquired a situs in the State of Mississippi for the purposes of such taxation. Any exemption granted to a licensed "free port warehouse" pursuant to this section shall be effective as of the first calendar day of the taxable year in which the warehouse applied for the exemption by virtue of submitting the application for licensure, and shall remain in effect for such period of time as the respective governing authority may prescribe. Such property shall not be deprived of exemption because while in a warehouse the property is bound, divided, broken in bulk, labeled, relabeled or repackaged. Any exemption from ad valorem taxes granted before January 1, 2012, is hereby ratified, approved and confirmed.

HISTORY: Codes, 1942, § 9699-02; Laws, 1962, ch. 595, § 2; Laws, 1981, ch. 419, § 2; Laws, 2003, ch. 511, § 1; Laws, 2012, ch. 342, § 2; Laws, 2013, ch. 325, § 1, eff from and after passage (approved March 7, 2013); Laws, 2018, ch. 369, § 1, eff from and after January 1, 2018.

Editor's Notes — Laws of 2018, ch. 369, § 2, effective January 1, 2018, provides:

"SECTION 2. Nothing in this act shall affect or defeat any claim, assessment, appeal, suit, right or cause of action for taxes due or accrued under the ad valorem tax laws before the date on which this act becomes effective, whether such claims, assessments, appeals, suits or actions have been begun before the date on which this act becomes effective or are begun thereafter; and the provisions of the ad valorem tax laws are expressly continued in full force, effect and operation for the purpose of the assessment, collection and enrollment of liens for any taxes due or accrued and the execution of any warrant under such laws before the date on which this act becomes effective, and for the imposition of any penalties, forfeitures or claims for failure to comply with such laws."

Amendment Notes — The 2018 amendment, effective January 1, 2018, added (d) and made related changes.

§ 27-31-55. Filing of inventories by warehouses; records generally; determination of taxes.

(1) Each licensed "free port warehouse" shall file with the tax assessor of each taxing jurisdiction in which such warehouse or storage facility may be located an inventory of all personal property consigned or transferred to such warehouse or storage facility and located therein on January 1 of each year. Such inventory shall be submitted on such forms and in such manner as the tax assessor may prescribe and shall contain a separate statement of all property eligible for exemption under Sections 27-31-51 through 27-31-61 and a separate statement of all property consigned or transferred to such warehouse or storage facility. Such inventory shall be submitted by not later than March 31 of each year. Exemption shall be allowed for all eligible property, but accurate records shall be kept of all personal property shipped from any such warehouse or storage facility, together with the point of final destination of the same, and reports thereof shall be filed with such taxing authorities of this state and in such form and manner as the tax assessor may prescribe. At the conclusion of each calendar year each licensee under Sections 27-31-51 through 27-31-61 shall calculate the actual percentage of all personal property consigned or transferred to the warehouse or storage facility which was

shipped to a final destination outside the state in relation to the total of all such personal property shipped to any destination during such year. Such percentage shall then be applied to the total value of all property contained in the inventory of such warehouse or storage facility as of January 1 of such year which was consigned or transferred to such warehouse or storage facility. If the result thus obtained shall be less than the value of property for which exemption was allowed, then the amount of such difference shall be deducted from the amount of the exemption previously allowed and taxes shall be levied and collected thereon by the tax collecting officers concerned.

(2) If a licensed free port warehouse failed to submit the inventory required under subsection (1) of this section by March 31, 2020, due to measures related to Coronavirus Disease 2019 (COVID-19), because of either a required or voluntary closure of the business, a furlough, layoff or other reduction in staff operations, or the closure of county government offices, such free port warehouse may submit the required inventory by July 1, 2020.

HISTORY: Codes, 1942, § 9699-03; Laws, 1962, ch. 595, § 3; Laws, 1981, ch. 419, § 3; Laws, 2002, ch. 402, § 2; Laws, 2003, ch. 511, § 2, eff from and after Jan. 1, 2003; Laws, 2020, ch. 439, § 1, eff from and after passage (approved July 3, 2020).

Amendment Notes — The 2020 amendment, effective July 3, 2020, added (2).

NON-PRODUCING GAS, OIL, AND MINERAL INTERESTS

Sec.
27-31-81. Persons liable for tax; time for payment; penalty for insufficient payment.

§ 27-31-81. Persons liable for tax; time for payment; penalty for insufficient payment.

The mineral documentary tax shall be payable by the grantee or grantees named in and the beneficiary or real party in interest under such lease, deed, conveyance, transfer, assignment or other writing, except that as to any exception or reservation creating any such interest the tax shall be payable by the grantor or grantors in such instrument. The tax shall be due and payable upon the filing of the instrument for record, and the chancery clerk shall note the fact of the payment as provided in Section 27-31-83. Any chancery clerk, who accepts or records an instrument upon which the tax is not paid to him as required under this section, shall be liable to the county for double the amount of tax shown to have been due upon the instrument; however, the chancery clerk shall not be liable for any sum where the amount of the tax tendered is accepted by him in good faith as the proper amount due. If an insufficient amount is paid for the tax, the filing and recording of the instrument shall nevertheless be good and valid for all purposes as now provided by statute, but the additional amount which should have been paid, together with a penalty of twenty-five percent (25%) thereof and one-half of one percent (1/2 of 1%)

interest per month thereon from the due date until paid, shall be a lien on the interest conveyed, reserved or excepted therein, and a personal debt of the said taxpayer, collectible by suit by the county for personal judgment or to enforce the lien or both.

HISTORY: Codes, 1942, § 9701-06; Laws, 1946, ch. 409, § 6; Laws, 2008, ch. 381, § 3, eff from and after Jan. 1, 2009; Laws, 2020, ch. 372, § 2, eff from and after July 1, 2020.

Amendment Notes — The 2020 amendment substituted "one-half of one percent (1/2 of 1%)" for "one percent (1%)" in the last sentence.

NEW FACTORIES AND ENTERPRISES

Sec.

§ 27-31-101. Enumeration of new enterprises which may be exempted.

[Through June 30, 2022, this section shall read as follows:]

(1) County boards of supervisors and municipal authorities are hereby authorized and empowered, in their discretion, to grant exemptions from ad valorem taxation, except state ad valorem taxation; however, such governing authorities shall not exempt ad valorem taxes for school district purposes on tangible property used in, or necessary to, the operation of the manufacturers and other new enterprises enumerated by classes in this section, except to the extent authorized in Sections 27-31-104 and 27-31-105(2), nor shall they exempt from ad valorem taxes the products of the manufacturers or other new enterprises or automobiles and trucks belonging to the manufacturers or other new enterprises operating on and over the highways of the State of Mississippi. The time of such exemption shall be for a period not to exceed a total of ten (10) years which shall begin on the date of completion of the new enterprise for which the exemption is granted; however, boards of supervisors and municipal authorities, in lieu of granting the exemption for one (1) period of ten (10) years, may grant the exemption in a period of less than ten (10) years. When the initial exemption period granted is less than ten (10) years, the boards of supervisors and municipal authorities may grant a subsequent consecutive period or periods to follow the initial period of exemption, provided that the total of all periods of exemption shall not exceed ten (10) years. The date of completion of the new enterprise, from which the initial period of exemption shall begin, shall be the date on which operations of the new enterprise begin. The initial request for an exemption must be made in writing by June 1 of the year immediately following the year in which the date of completion of a new enterprise occurs. If the initial request for the exemption is not timely made,

the board of supervisors or municipal authorities may grant a subsequent request for the exemption and, in such case, the exemption shall begin on the anniversary date of completion of the enterprise in the year in which the request is made and may be for a period of time extending not more than ten (10) years from the date of completion of the new enterprise. Any subsequent request for the exemption must be made in writing by June 1 of the year in which it is granted.

(2) Any board of supervisors or municipal authority which has granted an exemption for a period of less than ten (10) years may grant subsequent periods of exemption to run consecutively with the initial exemption period, or a subsequently granted exemption period, but in no case shall the total of the exemption periods granted for a new enterprise exceed ten (10) years. Any consecutive period of exemption shall be granted by entry of an order by the board or the authority granting the consecutive exemption on its minutes, reflecting the granting of the consecutive exemption period and the dates upon which such consecutive exemption period begins and expires. The entry of this order granting the consecutive period of exemption shall be made before the expiration of the exemption period immediately preceding the consecutive exemption period being granted.

(3)(a) The new enterprises for which any or all of the tangible property described in paragraph (b) of this subsection (3) may be exempt from ad valorem taxation, except state ad valorem taxation, ad valorem taxes for school district purposes, and ad valorem taxes on the products thereof or on automobiles and trucks belonging thereto and operating on and over the highways of the State of Mississippi, are enumerated as and limited to the following, as determined by the Department of Revenue:

(i) Warehouse and/or distribution centers;

(ii) Manufacturing, processors and refineries;

(iii) Research facilities;

(iv) Corporate regional and national headquarters meeting minimum criteria established by the Mississippi Development Authority;

(v) Movie industry studios meeting minimum criteria established by the Mississippi Development Authority;

(vi) Air transportation and maintenance facilities meeting minimum criteria established by the Mississippi Development Authority;

(vii) Recreational facilities that impact tourism meeting minimum criteria established by the Mississippi Development Authority;

(viii) Data/information processing enterprises meeting minimum criteria established by the Mississippi Development Authority;

(ix) Technology intensive enterprises or facilities meeting criteria established by the Mississippi Development Authority;

(x) Health care industry facilities as defined in Section 57-117-3;

(xi) Data centers as defined in Section 57-113-21; and

(xii) Telecommunications enterprises meeting minimum criteria established by the Mississippi Development Authority. The term "telecommunications enterprises" means entities engaged in the creation, display,

management, storage, processing, transmission or distribution for compensation of images, text, voice, video or data by wire or by wireless means, or entities engaged in the construction, design, development, manufacture, maintenance or distribution for compensation of devices, products, software or structures used in the above activities. Companies organized to do business as commercial broadcast radio stations, television stations or news organizations primarily serving in-state markets shall not be included within the definition of the term "telecommunications enterprises."

(b) An exemption from ad valorem taxes granted under this section may include any or all tangible property, real or personal, including any leasehold interests therein but excluding automobiles and trucks operating on and over the highways of the State of Mississippi, used in connection with, or necessary to, the operation of an enterprise enumerated in paragraph (a) of this subsection (3), whether or not such property is owned, leased, subleased, licensed or otherwise obtained by such enterprise, irrespective of the taxpayer to which any such leased property is assessed for ad valorem tax purposes. If an exemption is granted pursuant to this section with respect to any leasehold interest under a lease, sublease or license of tangible property used in connection with, or necessary to, the operation of an enterprise enumerated in paragraph (a) of this subsection (3), the corresponding ownership interest of the owner, lessor and sublessor of such tangible property shall similarly and automatically be exempt without any action being required to be taken by such owner, lessor or sublessor.

(4) Any exemption from ad valorem taxes granted under this section before March 28, 2019, and consistent herewith, is hereby ratified, approved and confirmed.

[From and after July 1, 2022, this section shall read as follows:]

(1) County boards of supervisors and municipal authorities are hereby authorized and empowered, in their discretion, to grant exemptions from ad valorem taxation, except state ad valorem taxation; however, such governing authorities shall not exempt ad valorem taxes for school district purposes on tangible property used in, or necessary to, the operation of the manufacturers and other new enterprises enumerated by classes in this section, except to the extent authorized in Sections 27-31-104 and 27-31-105(2), nor shall they exempt from ad valorem taxes the products of the manufacturers or other new enterprises or automobiles and trucks belonging to the manufacturers or other new enterprises operating on and over the highways of the State of Mississippi. The time of such exemption shall be for a period not to exceed a total of ten (10) years which shall begin on the date of completion of the new enterprise for which the exemption is granted; however, boards of supervisors and municipal authorities, in lieu of granting the exemption for one (1) period of ten (10) years, may grant the exemption in a period of less than ten (10) years. When the initial exemption period granted is less than ten (10) years, the boards of supervisors and municipal authorities may grant a subsequent consecutive

period or periods to follow the initial period of exemption, provided that the total of all periods of exemption shall not exceed ten (10) years. The date of completion of the new enterprise, from which the initial period of exemption shall begin, shall be the date on which operations of the new enterprise begin. The initial request for an exemption must be made in writing by June 1 of the year immediately following the year in which the date of completion of a new enterprise occurs. If the initial request for the exemption is not timely made, the board of supervisors or municipal authorities may grant a subsequent request for the exemption and, in such case, the exemption shall begin on the anniversary date of completion of the enterprise in the year in which the request is made and may be for a period of time extending not more than ten (10) years from the date of completion of the new enterprise. Any subsequent request for the exemption must be made in writing by June 1 of the year in which it is granted.

(2) Any board of supervisors or municipal authority which has granted an exemption for a period of less than ten (10) years may grant subsequent periods of exemption to run consecutively with the initial exemption period, or a subsequently granted exemption period, but in no case shall the total of the exemption periods granted for a new enterprise exceed ten (10) years. Any consecutive period of exemption shall be granted by entry of an order by the board or the authority granting the consecutive exemption on its minutes, reflecting the granting of the consecutive exemption period and the dates upon which such consecutive exemption period begins and expires. The entry of this order granting the consecutive period of exemption shall be made before the expiration of the exemption period immediately preceding the consecutive exemption period being granted.

(3)(a) The new enterprises for which any or all of the tangible property described in paragraph (b) of this subsection (3) may be exempt from ad valorem taxation, except state ad valorem taxation, ad valorem taxes for school district purposes, and ad valorem taxes on the products thereof or on automobiles and trucks belonging thereto and operating on and over the highways of the State of Mississippi, are enumerated as and limited to the following, as determined by the Department of Revenue:

(i) Warehouse and/or distribution centers;

(ii) Manufacturing, processors and refineries;

(iii) Research facilities;

(iv) Corporate regional and national headquarters meeting minimum criteria established by the Mississippi Development Authority;

(v) Movie industry studios meeting minimum criteria established by the Mississippi Development Authority;

(vi) Air transportation and maintenance facilities meeting minimum criteria established by the Mississippi Development Authority;

(vii) Recreational facilities that impact tourism meeting minimum criteria established by the Mississippi Development Authority;

(viii) Data/information processing enterprises meeting minimum criteria established by the Mississippi Development Authority;

(ix) Technology intensive enterprises or facilities meeting criteria established by the Mississippi Development Authority;

(x) Data centers as defined in Section 57-113-21; and

(xi) Telecommunications enterprises meeting minimum criteria established by the Mississippi Development Authority. The term "telecommunications enterprises" means entities engaged in the creation, display, management, storage, processing, transmission or distribution for compensation of images, text, voice, video or data by wire or by wireless means, or entities engaged in the construction, design, development, manufacture, maintenance or distribution for compensation of devices, products, software or structures used in the above activities. Companies organized to do business as commercial broadcast radio stations, television stations or news organizations primarily serving in-state markets shall not be included within the definition of the term "telecommunications enterprises."

(b) An exemption from ad valorem taxes granted under this section may include any or all tangible property, real or personal, including any leasehold interests therein but excluding automobiles and trucks operating on and over the highways of the State of Mississippi, used in connection with, or necessary to, the operation of an enterprise enumerated in paragraph (a) of this subsection (3), whether or not such property is owned, leased, subleased, licensed or otherwise obtained by such enterprise, irrespective of the taxpayer to which any such leased property is assessed for ad valorem tax purposes. If an exemption is granted pursuant to this section with respect to any leasehold interest under a lease, sublease or license of tangible property used in connection with, or necessary to, the operation of an enterprise enumerated in paragraph (a) of this subsection (3), the corresponding ownership interest of the owner, lessor and sublessor of such tangible property shall similarly and automatically be exempt without any action being required to be taken by such owner, lessor or sublessor.

(4) Any exemption from ad valorem taxes granted under this section before March 28, 2019, and consistent herewith, is hereby ratified, approved and confirmed.

HISTORY: Codes, 1930, § 3109; 1942, § 9703; Laws, 1922, ch. 139; Laws, 1928, chs. 10, 100; Laws, 1928, Ex. ch. 57; Laws, 1930, ch. 67; Laws, 1932, ch. 293; Laws, 1936, ch. 159; Laws, 1936, 2nd Ex. ch. 17; Laws, 1938, Ex. ch. 76; Laws, 1942, ch. 132; Laws, 1944, ch. 135; Laws, 1946, chs. 208, 448; Laws, 1948, ch. 439; Laws, 1950, ch. 528; Laws, 1952, chs. 420 (§ 1), 422; Laws, 1954, chs. 363, 382; Laws, 1956, chs. 202 (§§ 1, 2), 203 (§§ 1, 2); Laws, 1958, chs. 566 (§ 1), 567 (§§ 1, 2); Laws, 1960, ch. 467; Laws, 1961, 2nd Ex. ch. 7, § 1; Laws, 1962, ch. 269, § 1; Laws, 1963, 1st Ex Sess. ch. 35, § 1; Laws, 1964, ch. 520, § 1; Laws, 1968, ch. 583, § 1; Laws, 1970, ch. 545, § 1; Laws, 1972, ch. 495, § 1; Laws, 1978, ch. 514, § 4; Laws, 1981, ch. 523, § 1; Laws, 1986, ch. 407, § 1; Laws, 1987, ch. 411, § 1; Laws, 1989, ch. 524, § 15; Laws, 1990, ch. 502, § 3; Laws, 1990 Ex Sess, ch. 71, § 1; Laws, 1992, ch. 518, § 2; Laws, 1994, ch. 571, § 1; Laws, 1994, ch. 558, § 18; Laws, 1995, ch. 355, § 1; Laws, 1995, ch. 527, § 1; Laws, 2000, ch. 591, § 1; Laws, 2005, ch. 513, § 1; Laws, 2005, 3rd Ex Sess, ch. 1, § 62; Laws, 2012, ch. 520, § 7, eff from and

after July 1, 2012; Laws, 2019, ch. 422, § 1, eff from and after passage (approved March 28, 2019).

Amendment Notes — The 2019 amendment, effective March 28, 2019, in the first version of the section, in (3)(a), rewrote the introductory paragraph, which read: "The new enterprises which may be exempt are enumerated as and limited to the following, as determined by the Department of Revenue," redesignated (3)(a)(a) through (j) as (3)(a)(i) through (x), added (3)(a)(xi), and redesignated (3)(a)(k) as (3)(a)(xii), added (3)(b), and added (4); and in the second version of the section, in (3), rewrote the introductory paragraph, which read: "The new enterprises which may be exempt are enumerated as and limited to the following, as determined by the Department of Revenue," redesignated (3)(a)(a) through (i) as (3)(a)(i) through (ix), added (x), and redesignated (3)(a)(j) as (3)(a)(xi), added (3)(b), and added (4).

§ 27-31-104. Grant of fee in lieu of taxes for certain projects.

[Through June 30, 2022, this section shall read as follows:]

(1)(a) County boards of supervisors and municipal authorities are each hereby authorized and empowered to enter into an agreement with an enterprise granting, and pursuant to such agreement grant a fee-in-lieu of ad valorem taxes, including ad valorem taxes levied for school purposes, for the following:

(i) Projects totaling over Sixty Million Dollars ($60,000,000.00) by any new enterprises enumerated in Section 27-31-101;

(ii) Projects by a private company (as such term is defined in Section 57-61-5) having a minimum capital investment of Sixty Million Dollars ($60,000,000.00);

(iii) Projects by a qualified business (as such term is defined in Section 57-117-3) meeting minimum criteria established by the Mississippi Development Authority;

(iv) Projects, in addition to those projects referenced in Section 27-31-105, totaling over Sixty Million Dollars ($60,000,000.00) by an existing enterprise that has been doing business in the county or municipality for twenty-four (24) months. For purposes of this subparagraph (iv), the term "existing enterprise" includes those enterprises enumerated in Section 27-31-101; or

(v) A private company (as such term is defined in Section 57-61-5) having a minimum capital investment of One Hundred Million Dollars ($100,000,000.00) from any source or combination of sources, provided that a majority of the capital investment is from private sources, when such project is located within a geographic area for which a Presidential Disaster Declaration was issued on or after January 1, 2014.

(b) A fee-in-lieu of ad valorem taxes granted in accordance with this section may include any or all tangible property, real or personal, including any leasehold interests therein but excluding automobiles and trucks operating on and over the highways of the State of Mississippi, used in connection with, or necessary to, the operation of any enterprise, private company or business described in paragraph (a) of this subsection (1), as

applicable, whether or not such property is owned, leased, subleased, licensed or otherwise obtained by such enterprise, private company or business, as applicable, irrespective of the taxpayer to which any such leased property is assessed for ad valorem tax purposes. If a fee-in-lieu of ad valorem taxes is granted pursuant to this section with respect to any leasehold interest under a lease, sublease or license of tangible property used in connection with, or necessary to, the operation of an enterprise, private company or business described in paragraph (a) of this subsection (1), as applicable, the corresponding ownership interest of the owner, lessor and sublessor of such tangible property shall similarly and automatically be exempt and subject to the fee-in-lieu granted in accordance herewith without any action being required to be taken by such owner, lessor or sublessor.

(2) A county board of supervisors may enter into a fee-in-lieu agreement on behalf of the county and any county school district, and a municipality may enter into such a fee-in-lieu agreement on behalf of the municipality and any municipal school district located in the municipality; however, if the project is located outside the limits of a municipality but within the boundaries of the municipal school district, then the county board of supervisors may enter into such a fee-in-lieu agreement on behalf of the school district granting a fee-in-lieu of ad valorem taxes for school district purposes.

(3) Any grant of a fee-in-lieu of ad valorem taxes shall be evidenced by a written agreement negotiated by the enterprise and the county board of supervisors and/or municipal authority, as the case may be, and given final approval by the Mississippi Development Authority as satisfying the requirements of this section.

(4) The minimum sum allowable as a fee-in-lieu shall not be less than one-third (⅓) of the ad valorem levy, including ad valorem taxes for school district purposes, and except as otherwise provided, the sum allowed shall be apportioned between the county or municipality, as appropriate, and the school districts in such amounts as may be determined by the county board of supervisors or municipal governing authority, as the case may be, however, except as otherwise provided in this section, from the sum allowed the apportionment to school districts shall not be less than the school districts' pro rata share based upon the proportion that the millage imposed for the school districts by the appropriate levying authority bears to the millage imposed by such levying authority for all other county or municipal purposes. Any fee-in-lieu agreement entered into under this section shall become a binding obligation of the parties to the agreement, be effective upon its execution by the parties and approval by the Mississippi Development Authority and, except as otherwise provided in Section 17-25-23 or Section 57-75-33, or any other provision of law, continue in effect for a period not to exceed thirty (30) years commencing on the date that the fee-in-lieu granted thereunder begins in accordance with the agreement; however, no particular parcel of land, real property improvement or item of personal property shall be subject to a fee-in-lieu for a duration of more than ten (10) years. Any such agreement shall be binding, according to its terms, on future boards of supervisors of the county

and/or governing authorities of a municipality, as the case may be, for the duration of the agreement.

(5) The fee-in-lieu may be a stated fraction or percentage of the ad valorem taxes otherwise payable or a stated dollar amount. If the fee is a fraction or percentage of the ad valorem tax levy, it shall be annually computed on all ad valorem taxes otherwise payable, including school taxes, as the same may vary from year to year based upon changes in the millage rate or assessed value and shall not be less than one-third (⅓) of that amount. If the fee is a stated dollar amount, said amount shall be the higher of the sum provided for fixed payment or one-third (⅓) of the total of all ad valorem taxes otherwise payable as annually determined during each year of the fee-in-lieu.

(6) Notwithstanding Section 27-31-111, the parties to a fee-in-lieu may agree on terms and conditions providing for the reduction, suspension, termination or reinstatement of a fee-in-lieu agreement or any fee-in-lieu period granted thereunder upon the cessation of operations by project for twelve (12) or more consecutive months or due to other conditions set forth in the agreement.

(7) For a project as defined in Section 57-75-5(f)(xxi) and located in a county that is a member of a regional economic development alliance created under Section 57-64-1 et seq., the members of the regional economic development alliance may divide the sum allowed as a fee-in-lieu in a manner as determined by the alliance agreement, and the boards of supervisors of the member counties may then apportion the sum allowed between school district purposes and all other county purposes.

(8) For a project as defined in Section 57-75-5(f)(xxvi), the board of supervisors of the county in which the project is located may negotiate with the school district in which the project is located and apportion to the school district an amount of the fee-in-lieu that is agreed upon in the negotiations different than the amount provided for in subsection (3) of this section.

(9) For a project as defined in Section 57-75-5(f)(xxviii), the annual amount of the fee-in-lieu apportioned to the county shall not be less than the amount necessary to pay the debt service on bonds issued by the county pursuant to Section 57-75-37(3)(c).

(10) Any fee-in-lieu of ad valorem taxes granted under this section before March 28, 2019, and consistent herewith, is hereby ratified, approved and confirmed.

[From and after July 1, 2022, this section shall read as follows:]

(1)(a) County boards of supervisors and municipal authorities are each hereby authorized and empowered to enter into an agreement with an enterprise granting, and pursuant to such agreement grant a fee-in-lieu of ad valorem taxes, including ad valorem taxes levied for school purposes, for the following:

(i) Projects totaling over Sixty Million Dollars ($60,000,000.00) by any new enterprises enumerated in Section 27-31-101;

(ii) Projects by a private company (as such term is defined in Section

57-61-5, Mississippi Code of 1972) having a minimum capital investment of Sixty Million Dollars ($60,000,000.00);

(iii) Projects, in addition to those projects referenced in Section 27-31-105, totaling over Sixty Million Dollars ($60,000,000.00) by an existing enterprise that has been doing business in the county or municipality for twenty-four (24) months. For purposes of this subparagraph (iii), the term "existing enterprise" includes those enterprises enumerated in Section 27-31-101; or

(iv) A private company (as such term is defined in Section 57-61-5) having a minimum capital investment of One Hundred Million Dollars ($100,000,000.00) from any source or combination of sources, provided that a majority of the capital investment is from private sources, when such project is located within a geographic area for which a Presidential Disaster Declaration was issued on or after January 1, 2014.

(b) A fee-in-lieu of ad valorem taxes granted in accordance with this section may include any or all tangible property, real or personal, including any leasehold interests therein but excluding automobiles and trucks operating on and over the highways of the State of Mississippi, used in connection with, or necessary to, the operation of any enterprise, private company or business described in paragraph (a) of this subsection (1), as applicable, whether or not such property is owned, leased, subleased, licensed or otherwise obtained by such enterprise, private company or business, as applicable, irrespective of the taxpayer to which any such leased property is assessed for ad valorem tax purposes. If a fee-in-lieu of ad valorem taxes is granted pursuant to this section with respect to any leasehold interest under a lease, sublease or license of tangible property used in connection with, or necessary to, the operation of an enterprise, private company or business described in paragraph (a) of this subsection (1), as applicable, the corresponding ownership interest of the owner, lessor and sublessor of such tangible property shall similarly and automatically be exempt and subject to the fee-in-lieu granted in accordance herewith without any action being required to be taken by such owner, lessor or sublessor.

(2) A county board of supervisors may enter into a fee-in-lieu agreement on behalf of the county and any county school district, and a municipality may enter into such a fee-in-lieu agreement on behalf of the municipality and any municipal school district located in the municipality; however, if the project is located outside the limits of a municipality but within the boundaries of the municipal school district, then the county board of supervisors may enter into such a fee-in-lieu agreement on behalf of the school district granting a fee-in-lieu of ad valorem taxes for school district purposes.

(3) Any grant of a fee-in-lieu of ad valorem taxes shall be evidenced by a written agreement negotiated by the enterprise and the county board of supervisors and/or municipal authority, as the case may be, and given final approval by the Mississippi Development Authority as satisfying the requirements of this section.

(4) The minimum sum allowable as a fee-in-lieu shall not be less than one-third (⅓) of the ad valorem levy, including ad valorem taxes for school

district purposes, and except as otherwise provided, the sum allowed shall be apportioned between the county or municipality, as appropriate, and the school districts in such amounts as may be determined by the county board of supervisors or municipal governing authority, as the case may be, however, except as otherwise provided in this section, from the sum allowed the apportionment to school districts shall not be less than the school districts' pro rata share based upon the proportion that the millage imposed for the school districts by the appropriate levying authority bears to the millage imposed by such levying authority for all other county or municipal purposes. Any fee-in-lieu agreement entered into under this section shall become a binding obligation of the parties to the agreement, be effective upon its execution by the parties and approval by the Mississippi Development Authority and, except as otherwise provided in Section 17-25-23 or Section 57-75-33, or any other provision of law, continue in effect for a period not to exceed thirty (30) years commencing on the date that the fee-in-lieu granted thereunder begins in accordance with the agreement; however, no particular parcel of land, real property improvement or item of personal property shall be subject to a fee-in-lieu for a duration of more than ten (10) years. Any such agreement shall be binding, according to its terms, on future boards of supervisors of the county and/or governing authorities of a municipality, as the case may be, for the duration of the agreement.

(5) The fee-in-lieu may be a stated fraction or percentage of the ad valorem taxes otherwise payable or a stated dollar amount. If the fee is a fraction or percentage of the ad valorem tax levy, it shall be annually computed on all ad valorem taxes otherwise payable, including school taxes, as the same may vary from year to year based upon changes in the millage rate or assessed value and shall not be less than one-third (⅓) of that amount. If the fee is a stated dollar amount, said amount shall be the higher of the sum provided for fixed payment or one-third (⅓) of the total of all ad valorem taxes otherwise payable as annually determined during each year of the fee-in-lieu.

(6) Notwithstanding Section 27-31-111, the parties to a fee-in-lieu may agree on terms and conditions providing for the reduction, suspension, termination or reinstatement of a fee-in-lieu agreement or any fee-in-lieu period granted thereunder upon the cessation of operations by project for twelve (12) or more consecutive months or due to other conditions set forth in the agreement.

(7) For a project as defined in Section 57-75-5(f)(xxi) and located in a county that is a member of a regional economic development alliance created under Section 57-64-1 et seq., the members of the regional economic development alliance may divide the sum allowed as a fee-in-lieu in a manner as determined by the alliance agreement, and the boards of supervisors of the member counties may then apportion the sum allowed between school district purposes and all other county purposes.

(8) For a project as defined in Section 57-75-5(f)(xxvi), the board of supervisors of the county in which the project is located may negotiate with the school district in which the project is located and apportion to the school

district an amount of the fee-in-lieu that is agreed upon in the negotiations different than the amount provided for in subsection (3) of this section.

(9) For a project as defined in Section 57-75-5(f)(xxviii), the annual amount of the fee-in-lieu apportioned to the county shall not be less than the amount necessary to pay the annual debt service on bonds issued by the county pursuant to Section 57-75-37(3)(c).

(10) Any fee-in-lieu of ad valorem taxes granted under this section before March 28, 2019, and consistent herewith, is hereby ratified, approved and confirmed.

HISTORY: Laws, 1989, ch. 524, § 16; Laws, 1990 Ex Sess, ch. 71, § 2; Laws, 2007, ch. 303, § 28; Laws, 2010, ch. 301, § 6; Laws, 2012, ch. 520, § 8; Laws, 2013, 1st Ex Sess, ch. 1, § 9; Laws, 2016, 1st Ex Sess, ch. 1, § 21; Laws, 2016, ch. 483, § 2, eff from and after July 1, 2016; Laws, 2018, ch. 422, § 1, eff from and after July 1, 2018; Laws, 2019, ch. 422, § 2, eff from and after passage (approved March 28, 2019); Laws, 2019, ch. 439, § 1, eff from and after July 1, 2019.

Joint Legislative Committee Note — Section 2 of Chapter 422, Laws of 2019, effective from and after passage (approved March 28, 2019), amended this section. Section 1 of Chapter 439, Laws of 2019, effective July 1, 2019 (approved March 29, 2019), also amended this section. As set out above, this section reflects the language of both amendments pursuant to Section 1-1-109 which gives the Joint Legislative Committee on Compilation, Revision, and Publication of Legislation authority to integrate amendments so that all versions of the same code section enacted within the same legislative session may become effective. The Joint Committee on Compilation, Revision, and Publication of Legislation ratified the integration of these amendments as consistent with the legislative intent at the August 12, 2019, meeting of the Committee.

Editor's Notes — Laws of 2018, ch. 422, § 1, effective July 1, 2018, provides:

"SECTION 2. The minimum capital investment requirements of Section 27-31-104(1)(e) in the version of that section effective through June 30, 2022, and Section 27-31-104(1)(d) in the version of that section effective from and after July 1, 2022, as amended by this act, shall apply to any project for which initial capital investment for the project was made on or after July 1, 2014."

Amendment Notes — The 2018 amendment, in the first version, rewrote (1), (1)(a) and (1)(b), which read: "(1) County boards of supervisors and municipal authorities are each hereby authorized and empowered to enter into an agreement with an enterprise granting, and pursuant to such agreement grant a fee-in-lieu of ad valorem taxes, including ad valorem taxes levied for school purposes, for projects totaling over One Hundred Million Dollars ($100,000,000.00). In addition to those new enterprises enumerated in Section 27-31-101, Mississippi Code of 1972, the term 'projects,' as used in this section, shall include:

(a) A private company (as such term is defined in Section 57-61-5, Mississippi Code of 1972) having a minimum capital investment of One Hundred Million Dollars ($100,000,000.00); or

(b) A qualified business (as such term is defined in Section 57-117-3) meeting minimum criteria established by the Mississippi Development Authority" and divided them into present (1) and (1)(a) through (c), added (1)(d) and (e), and substituted "thirty (30) years" for "twenty (20) years" in (4); and in the second version, rewrote (1), which read: "County boards of supervisors and municipal authorities are each hereby authorized and empowered to enter into an agreement with an enterprise granting, and pursuant to such agreement grant a fee-in-lieu of ad valorem taxes, including ad valorem taxes levied for school purposes, for projects totaling over One Hundred Million Dollars ($100,000,000.00). In addition to those new enterprises enumerated in Section

27-31-101, Mississippi Code of 1972, the term "projects," as used in this section, shall include a private company (as such term is defined in Section 57-61-5, Mississippi Code of 1972) having a minimum capital investment of One Hundred Million Dollars ($100,000,000.00)" and divided it into present (1), (1)(a) and (1)(b), added (1)(c) and (d), and substituted "thirty (30) years" for "twenty (20) years" in (4).

The first 2019 amendment (ch. 422), effective March 28, 2019, in the first version of the section, in (1)(a), redesignated (1)(a)(a) through (e) as (1)(a)(i) through (v), and in (1)(a)(iv), inserted "in addition to...Section 27-31-105" and substituted "subparagraph (iv)" for "paragraph (d)," added (1)(b), and added (10) and in the second version of the section, in (1)(a), redesignated (1)(a)(a) through (d) as (1)(a)(i) through (iv), and in (iii), inserted "in addition to...27-31-105" and substituted "subparagraph (iii)" for "paragraph (c)," added (1)(b), and added (10).

The second 2019 amendment (ch. 439), in the first version of the section, deleted "totaling over One Hundred Million Dollars ($100,000,000.00)" following "Projects" in (1)(c).

§ 27-31-105. Additions to or expansions of facilities or properties or replacement of equipment used in connection with certain enterprises.

(1) Any person, firm or corporation who owns or operates a manufacturing or other enterprise of public utility as enumerated in Section 27-31-101 and who makes additions to or expansions of the facilities or properties or replaces equipment used in connection with or necessary to the operation of such enterprise may be granted an exemption from ad valorem taxation, except state ad valorem taxation, ad valorem taxes for school district purposes, and ad valorem taxes on the products thereof or on automobiles and trucks belonging thereto and operating on and over the highways of the State of Mississippi, upon each addition to or expansion of the facility or property or replacement of equipment, used in connection with, or necessary to, the operation of an enterprise enumerated in Section 27-31-101, whether or not such property is owned, leased, subleased, licensed or otherwise obtained by such enterprise, irrespective of the taxpayer to which any such leased property is assessed for ad valorem tax purposes, within the discretion of the county board of supervisors and municipal authorities; however, such governing authorities shall not exempt ad valorem taxes for school district purposes on such additions or expansions of the facility or property, or replacement of equipment. If an exemption is granted pursuant to this subsection (1) with respect to any leasehold interest under a lease, sublease or license of tangible property used in connection with, or necessary to, the operation of an enterprise enumerated in Section 27-31-101, the corresponding ownership interest of the owner, lessor and sublessor of such tangible property shall similarly and automatically be exempt without any action being required to be taken by such owner, lessor or sublessor. In order to obtain the exemptions authorized by this section, a person, firm or corporation shall follow the same procedure prescribed for obtaining an exemption on a new enterprise, except as otherwise provided in this section. For any additions, expansions or replacements with reference to any particular new enterprise, which have been completed during any calendar year, only one (1) request must be made for the exemptions

sought for the additions, expansions or replacements. The time of the exemption shall commence from the date of completion of the additions, expansions or replacements, and shall extend for a period not to exceed ten (10) years thereafter; however, boards of supervisors and municipal authorities, in lieu of granting the exemption for one (1) period of ten (10) years, may grant the exemption in consecutive periods of five (5) years each, but the total of such consecutive periods shall not exceed ten (10) years. The initial request for an exemption must be made in writing by June 1 of the year immediately following the year in which the additions, expansions or replacements are completed. If the initial request for the exemption is not timely made, the board of supervisors or municipal authorities may grant a subsequent request for the exemption and, in such case, the exemption shall begin on the anniversary date of completion of the additions, expansions or replacements in the year in which the request is made and may be for a period of time extending not more than ten (10) years from the date of completion of the additions, expansions or replacements. Any subsequent request for the exemption must be made in writing by June 1 of the year in which it is granted. Any exemption from ad valorem taxes granted under this subsection (1) before March 28, 2019, and consistent herewith, is hereby ratified, approved and confirmed.

(2) For expansions of facilities or properties, or replacement of equipment, county boards of supervisors and municipal authorities may grant a fee in lieu of taxes in the same manner, to the same extent, and with the same qualifying threshold as provided for projects under Section 27-31-104, Mississippi Code of 1972. Any fee-in-lieu of taxes granted under this subsection (2) before March 28, 2019, and consistent herewith, is hereby ratified, approved and confirmed.

HISTORY: Codes, 1942, § 9706.5; Laws, 1952, ch. 420, § 5; Laws, 1960, ch. 468; Laws, 1961, 2nd Ex. ch. 5, § 1; Laws, 1986, ch. 407, § 2; Laws, 1989, ch. 524, § 17; Laws, 1992, ch. 518, § 3; Laws, 1994, ch. 571, § 2; Laws, 1995, ch. 544, § 1; Laws, 2000, ch. 591, § 2; Laws, 2006, ch. 459, § 1, eff from and after passage (approved Mar. 23, 2006); Laws, 2019, ch. 422, § 3, eff from and after passage (approved March 28, 2019).

Amendment Notes — The 2019 amendment, effective March 28, 2019, in (1), in the first sentence, inserted "ad valorem taxes for school district purposes...State of Mississippi" and inserted "used in connection with...assessed for ad valorem tax purposes," and added the second and last sentences; and added the last sentence of (2).

CHAPTER 33.

AD VALOREM TAXES—HOMESTEAD EXEMPTIONS

ARTICLE 1.

GENERAL PROVISIONS.

Sec.
27-33-75. Homestead exemption tax table for qualified homeowners described in Section 27-33-67(1); additional exemption for homeowners described in Section 27-33-67(2).

§ 27-33-31. Duties of applicant for homestead exemption; procedure for application.

(1) It shall be the duty of every person, who is eligible for and desires the homestead exemption provided for in this article, to comply with the following provisions:

(a) He shall make written application to the county tax assessor on the prescribed form, on or before the first day of April. Applications not on file on or before April 1 of the current year may not be filed, may not be dated back, may not be accepted by the assessor, may not be allowed by the board of supervisors, and may not be considered by the commission, except as provided in paragraph (b) of this section.

Any person who has on file with the tax assessor a valid allowed claim for homestead exemption filed on or after January 1, 1991, shall not be required to annually thereafter reapply for such claim for exemption but shall be credited with such exemption each year so long as such person is entitled to homestead exemption on the same property and there has been no change in the property description, ownership, use or occupancy since January 1 of the preceding year. In the event changes have occurred in the status of the homestead in the property description, ownership, use or occupancy since January 1 of the preceding year, and in the event such person is still eligible for homestead exemption, he shall file a new application and provide all the information required under this section as for the initial application. However, the requirement to file a new application shall not apply to a surviving spouse who is still eligible for homestead exemption. If the deceased spouse qualified for the exemption provided in Section 27-33-67(2), but the surviving spouse does not qualify for such exemption, the surviving spouse must file a new application for homestead exemption.

(b) In cases where the Governor declares by written proclamation that the courthouse or other place that the tax assessor's office may be located is damaged to such an extent that it is not possible to accept applications for homestead exemption, then the Governor may extend the period for filing by a period not to exceed thirty (30) days.

(c) He shall make the application in quadruplicate.

(d) He shall make separate applications, as provided above, to the respective assessors if the property claimed for exemption lies in two (2) counties, first with the assessor of the county of residence, and then with the assessor of the other county, submitting at the same time two (2) copies of the first application, certified by the chancery clerk as specified by Section 27-33-23(f).

(e) He shall deliver to the assessor the application marked "original," the copy marked "duplicate," and the copy marked "triplicate."

(f) He shall retain the copy marked "quadruplicate" as evidence that the application was made and filed, which quadruplicate may be filed with the board if the original and duplicate are lost; and certified copies of the quadruplicate may be used when so ordered by the board, not later than the meeting of the board held in March of the year following the year in which the application was executed, under such rules and regulations as the commission shall prescribe.

(g) He shall state on the application the name, date of birth, social security number, phone number and email address of the owner of the property, and the number and status of all occupants of the home, other than the owner's family. If the applicant is married, he shall state on the application the name, date of birth, social security number, phone number and email address of the spouse.

(h) He shall state the full name of the applicant, whether the same as the name of the owner or not.

(i) He shall give a parcel number, which shall clearly locate and identify it, and state the acreage contained, as prescribed in Section 27-33-27.

(j) He shall state the kind of title, or ownership right held, from whom and how obtained, and the names of all present owners.

(k) He shall state the number of book and page where the deed, or other conveyance or evidence of ownership, is of public record, or attach to both the original and duplicate application a certified copy of the conveyance by which title is claimed, or copies supported by affidavit of the holder, or by one who has seen and verified the original; or such other evidence of title as may be required by the commission; and the instrument by which title is claimed shall be placed of record, if it may be admitted to record.

(*l*) He shall state the price for which the property was sold and conveyed to the owner, the amount of the unpaid principal, if any, and the terms of payment thereof, if it was acquired by the owner after July 1, 1938, as evidenced by the date of the acknowledgment of the conveyance. The purchase price and the amount of unpaid principal shall not be required more than one (1) time.

(m) He shall state if any part of the dwelling or land is rented or leased, and the kind of business conducted in the home or on the land.

(n) He shall furnish all the information required by the application, which must be true and correct, and he must supply it in the event he does not prepare the application with his own hand. Except as otherwise provided in Section 27-33-33(2), the information given on the application must not be made or inserted by the assessor or by anyone, except as furnished by the applicant.

(o) He shall make the original application in person or in such manner as may be provided under the rules and regulations of the commission; or it may be made by his agent or attorney, duly constituted in writing, and a copy of such written authority, duly sworn to and acknowledged or attested by two (2) competent witnesses shall be attached to each the original, the duplicate, and the triplicate application for homestead exemption; but the husband or wife may sign for the other if living in the same dwelling.

(p) He shall make affidavit to the application and to the truth of all statements made and answers to questions contained therein, and the oath may be administered by the tax assessor, a member of the board of supervisors, or any other officer authorized by law to take acknowledgments.

(q) He shall give such other pertinent information as may be required by the commission; and he shall promptly give any information requested, and answer any question propounded by the assessor or member of the board of supervisors.

(r) When an applicant has filed a timely application, but has failed to make known his eligibility for an additional exemption as provided for in Section 27-33-67(2), then an application for additional homestead exemption may be filed under such rules and regulations as the commission shall prescribe.

(2) The board of supervisors may authorize a charge of Fifty Cents (50¢) per subsequent annual renewal application, which is returned by the applicant by mail, to be used toward defraying the expense of the mailing process of the subsequent annual renewal application. The charge provided for herein shall not be assessed against any person returning the subsequent annual renewal application in person.

(3) In addition to any other fine, imprisonment or sentence which may be imposed for violation of the Mississippi Homestead Exemption Law of 1946, any person who violates such law through fraudulent application or by willful failure to notify the tax assessor of changes in the status of the homestead, when required to do so under subsection (1)(a) of this section, shall be guilty of a felony and upon conviction may be punished by a fine of not more than Five Thousand Dollars ($5,000.00) or by imprisonment for not more than two (2) years, or both.

HISTORY: Codes, 1942, § 9729; Laws, 1940, ch. 127; Laws, 1946, ch. 261, § 15; Laws, 1954, Ex. ch. 37; Laws, 1956, ch. 285; Laws, 1960, ch. 470, § 1; Laws, 1975, ch. 457, § 5; Laws, 1976, ch. 328; Laws, 1976, ch. 426; Laws, 1979, ch. 302, § 6; Laws, 1984, ch. 453, § 12; Laws, 1991, ch. 390, § 2; Laws, 1991, ch. 602, § 3; Laws, 1993, ch. 324, § 1; Laws, 1993, ch. 513, § 4; Laws, 1998, ch. 450, § 1; Laws, 2002, ch. 436, § 1; Laws, 2003, ch. 327, § 2, eff from and after July 1, 2003; Laws, 2020, ch. 438, § 1, eff from and after July 1, 2020.

Amendment Notes — The 2020 amendment, in the first paragraph of (1)(a), substituted "except as provided" for "excepting as provided"; and in (1)(g), inserted "date of birth, social security number, phone number and email address" in the first sentence, and added the last sentence.

§ 27-33-63. Additional restrictions, limitations and changes.

JUDICIAL DECISIONS

1. Construction.

Statute does not allow the privilege of homestead exemption if either spouse fails to comply with state income laws, regardless of whether the wife put on her homestead exemption application that

she was married or separated. Rush v. R & D Props. LLC, 270 So. 3d 1098, 2018 Miss. App. LEXIS 506 (Miss. Ct. App. 2018).

Wife was not being held liable for her estranged husband's late income tax liability; instead, she was accountable for paying her ad valorem property taxes, and she would lose the privilege of an exemption from paying her ad valorem taxes if she or her spouse failed to comply with state income tax laws, as the statute provides no exception for separated or estranged spouses. Rush v. R & D Props. LLC, 270 So. 3d 1098, 2018 Miss. App. LEXIS 506 (Miss. Ct. App. 2018).

§ 27-33-67. Exemptions for persons under 65 years of age who are not totally disabled; exemptions for persons over 65 years of age and persons who are totally disabled.

Editor's Notes — This section's heading was amended, and is set out above, to clarify the applicability of subsection (2) to persons who are over 65 years of age or disabled regardless of age.

§ 27-33-75. Homestead exemption tax table for qualified homeowners described in Section 27-33-67(1); additional exemption for homeowners described in Section 27-33-67(2).

(1) Qualified homeowners described in subsection (1) of Section 27-33-67 shall be allowed an exemption from ad valorem taxes according to the following table:

ASSESSED VALUE OF HOMESTEAD	HOMESTEAD EXEMPTION
$ 1 - $ 150	$ 6.00
151 - 300	12.00
301 - 450	18.00
451 - 600	24.00
601 - 750	30.00
751 - 900	36.00
901 - 1,050	42.00
1,051 - 1,200	48.00
1,201 - 1,350	54.00
1,351 - 1,500	60.00
1,501 - 1,650	66.00
1,651 - 1,800	72.00
1,801 - 1,950	78.00
1,951 - 2,100	84.00
2,101 - 2,250	90.00
2,251 - 2,400	96.00
2,401 - 2,550	102.00
2,551 - 2,700	108.00
2,701 - 2,850	114.00
2,851 - 3,000	120.00

3,001 - 3,150	126.00
3,151 - 3,300	132.00
3,301 - 3,450	138.00
3,451 - 3,600	144.00
3,601 - 3,750	150.00
3,751 - 3,900	156.00
3,901 - 4,050	162.00
4,051 - 4,200	168.00
4,201 - 4,350	174.00
4,351 - 4,500	180.00
4,501 - 4,650	186.00
4,651 - 4,800	192.00
4,801 - 4,950	198.00
4,951 - 5,100	204.00
5,101 - 5,250	210.00
5,251 - 5,400	216.00
5,401 - 5,550	222.00
5,551 - 5,700	228.00
5,701 - 5,850	234.00
5,851 - 6,000	240.00
6,001 - 6,150	246.00
6,151 - 6,300	252.00
6,301 - 6,450	258.00
6,451 - 6,600	264.00
6,601 - 6,750	270.00
6,751 - 6,900	276.00
6,901 - 7,050	282.00
7,051 - 7,200	288.00
7,201 - 7,350	294.00
7,351 and above	300.00

Assessed values shall be rounded to the next whole dollar (Fifty Cents (50¢) rounded to the next highest dollar) for the purposes of the above table.

One-half (½) of the exemption allowed in the above table shall be from taxes levied for school district purposes and one-half (½) shall be from taxes levied for county general fund purposes.

(2)(a) Except as otherwise provided in this subsection, qualified homeowners described in subsection (2) of Section 27-33-67 shall be allowed an exemption from all ad valorem taxes on not in excess of Seven Thousand Five Hundred Dollars ($7,500.00) of the assessed value of the homestead property.

(b) From and after January 1, 2015, qualified homeowners described in subsection (2)(a) of Section 27-33-67 and unremarried surviving spouses of such homeowners shall be allowed an exemption from all ad valorem taxes on the assessed value of the homestead property.

(c) Except as otherwise provided in this paragraph (c), a qualified homeowner claiming an exemption under paragraph (a) of this subsection

shall be allowed an additional exemption from all ad valorem taxes on an amount equal to the difference between (i) the assessed value of the homestead property on January 1, 2018, or January 1 of the first year for which the qualified homeowner claims an exemption for the homestead property under paragraph (a) of this subsection, and (ii) any increase in the assessed value of the homestead property resulting from a subsequent update in valuation of the homestead property that is completed during the time the qualified homeowner owns the property. In addition, if a subsequent update in valuation of the homestead property that is completed during the time the qualified homeowner owns the property results in the assessed value of the homestead property being less than the assessed value of the property on January 1, 2018, or January 1 of the first year for which the qualified homeowner claims an exemption for the homestead property under paragraph (a) of this subsection, then the exemption authorized under this paragraph (c) shall be on an amount equal to the difference between (i) such lower assessed value and (ii) any increase in the assessed value of the homestead property resulting from a subsequent update in valuation of the homestead property that is completed during the time the qualified homeowner owns the property. However, except for renovations, expansions, improvements or additions to promote energy efficiency, safety or access to the homestead property, the exemption authorized in this paragraph (c) shall not apply to any portion of increase in the assessed value of the homestead property that is attributable to renovations, expansions or improvements of or additions to the property during such time. For the purposes of this paragraph (c), an update in valuation of the homestead property occurs when a county has completed an update in the valuation of Class I property, as designated by Section 112, Mississippi Constitution of 1890, in the county according to procedures prescribed by the Department of Revenue and in effect on January 1, 2018, and for which the Department of Revenue has certified that such new valuations have been implemented for the purposes of ad valorem taxation.

(3) Except as otherwise provided in this subsection, this section shall apply to exemptions claimed in the 2001 calendar year for which reimbursement is made in the 2002 calendar year and to exemptions claimed for which reimbursement is made in subsequent years. The exemption provided for in subsection (2)(b) of this section shall apply to exemptions claimed in the 2015 calendar year for which reimbursement is made in the 2016 calendar year and to exemptions claimed for which reimbursement is made in subsequent years. The exemption provided for in subsection (2)(c) of this section shall apply to exemptions claimed in the 2018 calendar year for which reimbursement is made in the 2019 calendar year and to exemptions claimed for which reimbursement is made in subsequent years.

HISTORY: Laws, 1984, ch. 453, § 6; Laws, 1987, ch. 372, § 3; Laws, 2001, ch. 483, § 1; Laws, 2014, ch. 451, § 1, eff from and after Jan. 1, 2015; Laws, 2018, ch. 441, § 3, eff from and after January 1, 2018.

Editor's Notes — Laws of 2018, ch. 441, § 4, effective April 12, 2018, provides:

"SECTION 4. The amendments by this act to Section 27-35-157, Mississippi Code of 1972, shall apply to ad valorem taxes for which the initial assessment of such taxes was made, or is made, on or after January 1, 2017."

Laws of 2018, ch. 441, § 5, effective April 12, 2018, provides:

"SECTION 5. Nothing in Section 3 of this act shall affect or defeat any claim, assessment, appeal, suit, right or cause of action for taxes due or accrued under the ad valorem tax laws before the date on which Section 3 of this act becomes effective, whether such claims, assessments, appeals, suits or actions have been begun before the date on which this act becomes effective or are begun thereafter; and the provisions of the ad valorem tax laws are expressly continued in full force, effect and operation for the purpose of the assessment, collection and enrollment of liens for any taxes due or accrued and the execution of any warrant under such laws before the date on which this act becomes effective, and for the imposition of any penalties, forfeitures or claims for failure to comply with such laws."

Laws of 2018, ch. 441, § 6, effective April 12, 2018, provides:

"SECTION 6. Section 3 of this act shall take effect and be in force from and after January 1, 2018, and the remainder of this act shall take effect and be in force from and after its passage, [approved April 12, 2018]."

Amendment Notes — The 2018 amendment, effective January 1, 2018, deleted the version of the section that applied to any county that had not completed an update in the valuation of Class I property, as designated by Section 112, Mississippi Constitution of 1890, in the county according to procedures prescribed by the State Tax Commission [now Department of Revenue] and in effect on January 1, 2001, and had not implemented such valuations for the purposes of ad valorem taxation; and amended the version of the section that was applicable to any county that had completed an update in the valuation of Class I property, as designated by Section 112, Mississippi Constitution of 1890, in the county according to procedures prescribed by the State Tax Commission [now Department of Revenue] and in effect on January 1, 2001, and for which the State Tax Commission had certified that such new valuations have been implemented for the purposes of ad valorem taxation by deleting that applicability language, adding (2)(c), and adding the last sentence in (3). For applicability, see Editor's note.

CHAPTER 35.

AD VALOREM TAXES—ASSESSMENT

ARTICLE 1.

GENERAL PROVISIONS.

§ 27-35-49. Assessment of lands; appraisal according to true value.

JUDICIAL DECISIONS

1. In general.

Taxpayer did not show that the county board of supervisors' decision to deny its petition for a refund of taxes it paid on lots in a subdivision was arbitrary and capricious because the board reasonably could have found that the assessor determined that the taxpayer had intended to place the lots for sale; the assessor produced evidence on how the properties were assessed and valued, no record evidence showed that the taxpayer objected to assessment until years after they were finalized. G4, LLC v. Pearl River Cty. Bd. of Supervisors, 289 So. 3d 283, 2020 Miss. LEXIS 32 (Miss. 2020).

§ 27-35-50. Determination of true value for purposes of assessment.

(1) True value shall mean and include, but shall not be limited to, market value, cash value, actual cash value, proper value and value for the purposes of appraisal for ad valorem taxation.

(2) With respect to each and every parcel of property subject to assessment, the tax assessor shall, in ascertaining true value, consider whenever possible the income capitalization approach to value, the cost approach to value and the market data approach to value, as such approaches are determined by the Department of Revenue. For differing types of categories of property, differing approaches may be appropriate. The choice of the particular valuation approach or approaches to be used should be made by the assessor upon a consideration of the category or nature of the property, the approaches to value for which the highest quality data is available, and the current use of the property.

(3) Except as otherwise provided in subsection (4) of this section, in determining the true value of land and improvements thereon, factors to be taken into consideration are the proximity to navigation; to a highway; to a railroad; to a city, town, village or road; and any other circumstances that tend to affect its value, and not what it might bring at a forced sale but what the owner would be willing to accept and would expect to receive for it if he were disposed to sell it to another able and willing to buy.

(4)(a) In arriving at the true value of all Class I and Class II property and improvements, the appraisal shall be made according to current use, regardless of location.

(b) In arriving at the true value of any land used for agricultural purposes, the appraisal shall be made according to its use on January 1 of each year, regardless of its location; in making the appraisal, the assessor

shall use soil types, productivity and other criteria set forth in the land appraisal manuals of the Department of Revenue, which criteria shall include, but not be limited to, an income capitalization approach with a capitalization rate of not less than ten percent (10%) and a moving average of not more than ten (10) years; however, for the year 2022 and thereafter, the moving average for such land, except land devoted to the production of timber, shall be as follows: for the year 2022, four (4) years; for the year 2023, five (5) years; for the year 2024, six (6) years; for the year 2025, seven (7) years; for the year 2026, eight (8) years; for the year 2027, nine (9) years; and for the year 2028 and thereafter, ten (10) years. However, for the year 1990, the moving average shall not be more than five (5) years; for the year 1991, not more than six (6) years; for the year 1992, not more than seven (7) years; for the year 1993, not more than eight (8) years; and for the year 1994, not more than nine (9) years; and for the year 1990, the variation up or down from the previous year shall not exceed twenty percent (20%) and thereafter, the variation, up or down, from a previous year shall not exceed ten percent (10%) through the year 2018; and for the year 2019 and thereafter, the variation, up or down, from a previous year shall not exceed four percent (4%). Government payments and crop insurance indemnities shall not be included in determining the true value of such land, and a charge for management of each crop equal to twenty-five percent (25%) of the sum of a crop's estimated variable cost, machinery ownership cost, and general farm overhead cost, shall be deducted in determining the true value of such land. The land shall be deemed to be used for agricultural purposes when it is devoted to the commercial production of crops and other commercial products of the soil, including, but not limited to, the production of fruits and timber or the raising of livestock and poultry; however, enrollment in the federal Conservation Reserve Program or in any other United States Department of Agriculture conservation program or the fact that the land is leased for hunting or fishing purposes shall not preclude land being deemed to be used for agricultural purposes solely on the ground that the land is not being devoted to the production of commercial products of the soil, and income derived from participation in the federal program or income derived from a hunting or fishing lease may be used in combination with other relevant criteria to determine the true value of such land. The true value of aquaculture shall be determined in the same manner as that used to determine the true value of row crops.

(c) In determining the true value based upon current use, no consideration shall be taken of the prospective value such property might have if it were put to some other possible use.

(d) In arriving at the true value of affordable rental housing, the assessor shall use the appraisal procedure set forth in land appraisal manuals of the Department of Revenue. Such procedure shall prescribe that the appraisal shall be made according to actual net operating income attributable to the property, capitalized at a market value capitalization rate prescribed by the Department of Revenue that reflects the prevailing cost of

capital for commercial real estate in the geographical market in which the affordable rental housing is located adjusted for the enhanced risk that any recorded land use regulation places on the net operating income from the property. The owner of affordable rental housing shall provide to the county tax assessor on or before April 1 of each year, an accurate statement of the actual net operating income attributable to the property for the immediately preceding year prepared in accordance with generally acceptable accounting principles. As used in this paragraph:

(i) "Affordable rental housing" means residential housing consisting of one or more rental units, the construction and/or rental of which is subject to Section 42 of the Internal Revenue Code (26 USC 42), the Home Investment Partnership Program under the Cranston-Gonzalez National Affordable Housing Act (42 USC 12741 et seq.), the Federal Home Loan Banks Affordable Housing Program established pursuant to the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) of 1989 (Public Law 101-73), or any other federal, state or similar program intended to provide affordable housing to persons of low or moderate income and the occupancy and maximum rental rates of such housing are restricted based on the income of the persons occupying such housing.

(ii) "Land use regulation" means a restriction imposed by an extended low-income housing agreement or other covenant recorded in the applicable land records or by applicable law or regulation restricting the maximum income of residents and/or the maximum rental rate in the affordable rental housing.

(e) In arriving at the true value of ground leases on real property leased by the Mississippi State Port at Gulfport, the assessor shall use the appraisal procedure set forth in land appraisal manuals of the Department of Revenue. Such procedure shall prescribe that the appraisal shall be made according to actual net ground rent attributable to the leased premises, capitalized at a market value capitalization rate prescribed by the Department of Revenue that reflects the prevailing cost of capital of commercial real estate in the geographical market in which the Mississippi State Port at Gulfport is located. As used in this paragraph (e):

(i) "Ground leases" means those leases of land where the Mississippi State Port at Gulfport is the landlord and a person or business entity is the tenant.

(ii) "Ground rent" means the rent paid to the Mississippi State Port at Gulfport in a set amount for a specific length of tenancy where the amount of rent may be adjusted from time to time based upon market indices, such as the consumer price index. Ground rent does not include percentage rent and rent based on improvements or any other type of rental payment.

(iii) "Percentage rent" means the rent paid to the Mississippi State Port at Gulfport that is calculated based upon revenue generated by the tenant by virtue of the ground lease.

(iv) "Rent based on improvements" means the rent paid to the Mississippi State Port at Gulfport that is calculated based upon investments in improvements to the leased premises made by tenant.

(5) The true value of each class of property shall be determined annually.

(6) The Department of Revenue shall have the power to adopt, amend or repeal such rules or regulations in a manner consistent with the Constitution of the State of Mississippi to implement the duties assigned to the department in this section.

HISTORY: Laws, 1980, ch. 505, § 9; Laws, 1983, ch. 471, § 9; Laws, 1986, ch. 447; Laws, 1987, ch. 507, § 3; Laws, 1990, ch. 560, § 1; Laws, 1998, ch. 454, § 2; Laws, 2002, ch. 489, § 1; Laws, 2005, ch. 480, § 1; Laws, 2017, ch. 422, § 1, eff from and after July 1, 2017; Laws, 2021, ch. 384, § 1, eff from and after July 1, 2021.

Amendment Notes — The 2021 amendment, in (4)(b), added "however, for the year 2022...for the year 2028 and thereafter, ten (10) years" at the end of the first sentence, added the third sentence, and in the fourth sentence, inserted "or the fact that the land is leased for hunting or fishing purposes" and "or income derived from a hunting or fishing lease."

JUDICIAL DECISIONS

1. In general.

Circuit court erred in its assessment of a taxpayer's student-housing complex property because the court erroneously adopted the county's true value determination of the property when the income capitalization approach was the best approach for the property as the valuation included the student-housing complex's individual property characteristics and actual income in ascertaining the true value of the property. TNHYIF REIV GOLF, LLC v. Forrest Cty., 275 So. 3d 92, 2018 Miss. App. LEXIS 556 (Miss. Ct. App. 2018).

§ 27-35-93. Objections must be filed or assessment to stand.

JUDICIAL DECISIONS

1. In general.

Under Miss. Code Ann. § 27-35-93, a taxpayer who claims entitlement to an exemption that is automatic or self-operating need not file an objection, petition, or application with the board before appealing to the circuit court under Miss. Code Ann. § 11-51-77. In essence, the doctrine of stare decisis carries the day. The Supreme Court of Mississippi determined the Legislature's intent in 1876 regarding the precursor statute to Miss. Code Ann. § 27-35-93, and within the passing 142 years, the statutory language at issue in 1876 has not materially changed. Further, the cases related to the issue before the Court, whether they be on the requirement of objections for alleged faulty assessments or on the effect of an exemption, have supported the Court's analysis. Rankin Cty. Bd. of Supervisors v. Lakeland Income Props., LLC, 241 So. 3d 1279, 2018 Miss. LEXIS 198 (Miss. 2018).

Denying a board of supervisors' motion to dismiss an appeal of its decision to assess ad valorem taxes for property the taxpayer leased from an airport was not error as nothing in Miss. Code Ann. §§ 27-35-143, 27-35-93, or 11-51-77 required an application before filing an appeal with the court. Rankin Cty. Bd. of Supervisors v. Lakeland Income Props., LLC, 241 So. 3d 1279, 2018 Miss. LEXIS 198 (Miss. 2018).

§ 27-35-121. Effect of appeal.

JUDICIAL DECISIONS

1. In general.

Taxpayer was prejudiced by the chancery court's dismissal of its complaint with prejudice because its circuit-court case iwa an appeal from a decision of the county board of supervisors concerning the assessment of ad valorem taxes; in that case, the circuit court was sitting as an appellate body, and a tax refund was the only relief authorized by statute governing the taxpayer's appeal. SW 98/99, LLC v. Pike Cty., 242 So. 3d 847, 2018 Miss. LEXIS 218 (Miss. 2018).

§ 27-35-131. Board of supervisors to equalize assessments.

JUDICIAL DECISIONS

1. In general.

Taxpayer did not show that the county board of supervisors' decision to deny its petition for a refund of taxes it paid on lots in a subdivision was arbitrary and capricious because the board reasonably could have found that the assessor determined that the taxpayer had intended to place the lots for sale; the assessor produced evidence on how the properties were assessed and valued, no record evidence showed that the taxpayer objected to assessment until years after they were finalized. G4, LLC v. Pearl River Cty. Bd. of Supervisors, 289 So. 3d 283, 2020 Miss. LEXIS 32 (Miss. 2020).

§ 27-35-143. Change of assessment in certain cases.

(1) The board of supervisors of each county shall have power, upon application of the party interested, or by the assessor on behalf of such party, or otherwise as prescribed in Sections 27-35-145 through 27-35-149, to change, cancel or decrease an assessment in the manner herein provided at any time after the assessment roll containing such assessment has been finally approved by the Department of Revenue, and, except as otherwise provided in subsection (2) of this section, prior to the last Monday in August next, under the following circumstances and no other:

(a) When the same property has been assessed more than once to one or more persons.

(b) When a clerical error has been made in transcribing the assessment from the tax list to the assessment roll, or from the assessment roll to the copies, or in amending the original assessment roll, in making the equalization of assessments, or in carrying out the instructions of the Department of Revenue.

(c) When an error in addition or multiplication has been made in the compilation of the tax list, roll or copy of the roll.

(d) When there is an assessment of property which never existed, or was not owned by or in the possession of the party to whom assessed, on the next preceding tax lien date.

(e) When the assessment is in the name of another than the owner of the property on the next preceding tax lien date.

(f) When the assessment is so indefinite as to give a vague or imperfect description of the property assessed.

(g) When the property assessed is nontaxable, or was not subject to taxation on the next preceding tax lien date.

(h) When the property is not liable to a special district tax levy for which it has been assessed.

(i) When the property, after the next preceding tax lien date, but before the payment of taxes due thereon, has ceased to exist, on account of death or destruction by fire, explosion, storm, flood, earthquake, lightning, or other inevitable accident or act of Providence; or has depreciated in value on account of any such accident or occurrence as the foregoing.

Provided, however, that where property has been insured the amount collected as insurance by reason of such loss shall be taken into account by the board in reducing the assessment, or refunding any tax payment thereon.

(j) When the assessment does not show the correct number of acres, actually in the property described, or the correct quantity of any property.

(k) When lands have been assessed and incorrectly classified; or when buildings and improvements have been assessed which were not on the land, at the preceding tax lien date; or where the buildings and improvements, at the preceding tax lien date, were exempt from assessment and taxation.

(*l*) When the property has been assessed for more than its actual value; but in such cases the board shall require proof, under oath, of such excessive assessment by two (2) or more competent witnesses who know of their own personal knowledge that the property is assessed for a higher sum than its true value.

(m) When the property has been assessed as subject to state taxes and is exempt; or when the property has been assessed as subject to county and district taxes and is exempt from such taxes.

(n) When buildings and improvements have been assessed with the land, but are owned by someone other than the owner of the land.

(2) The assessor shall make an application on behalf of the party interested if the assessor has knowledge of any circumstance or occurrence described in subsection (1)(i) of this section regardless of whether the party interested has made such an application. If the assessor fails to make such application, the party interested may make an application with the board of supervisors not later than the last Monday in August after the assessment roll containing such assessment has been finally approved by the Department of Revenue, and the board of supervisors may change, cancel or decrease the assessment.

HISTORY: Codes, 1857, ch. 3, art 29; 1871, § 1688; 1880, § 507; 1892, § 3799; 1906, § 4312; Hemingway's 1917, § 6946; 1930, § 3191; 1942, § 9815; Laws, 1934, ch. 187; Laws, 1950, ch. 298, § 5; Laws, 1993, ch. 466, § 1, eff from and after July 1, 1993; Laws, 2021, ch. 421, § 1, eff from and after July 1, 2021.

Amendment Notes — The 2021 amendment, in (1), substituted "Department of Revenue" for "State Tax Commission" everywhere it appears, in the introductory

paragraph, inserted "except as otherwise provided in subsection (2) of this section," and redesignated former 1 through 14 as (a) through (n); and added (2).

JUDICIAL DECISIONS

1. In general.

Denying a board of supervisors' motion to dismiss an appeal of its decision to assess ad valorem taxes for property the taxpayer leased from an airport was not error as nothing in Miss. Code Ann. §§ 27-35-143, 27-35-93, or 11-51-77 required an application before filing an appeal with the court. Rankin Cty. Bd. of Supervisors v. Lakeland Income Props., LLC, 241 So. 3d 1279, 2018 Miss. LEXIS 198 (Miss. 2018).

§ 27-35-155. Assessment of persons and property having escaped taxation.

HISTORY: Codes, 1880, § 486; 1892, § 3768; 1906, § 4277; Hemingway's 1917, § 6911; 1930, § 3197; 1942, § 9821; Laws, 1932, ch. 181; Laws, 1946, ch. 336, § 1; Laws, 1954, ch. 379; Laws, 1984, ch. 456, § 3, eff from and after passage (approved May 9, 1984); brought forward without change, Laws, 2018, ch. 441, § 2, eff from and after passage (approved April 12, 2018).

Editor's Notes — Laws of 2018, ch. 441, § 5, effective April 12, 2018, provides:

"SECTION 5. Nothing in Section 3 of this act shall affect or defeat any claim, assessment, appeal, suit, right or cause of action for taxes due or accrued under the ad valorem tax laws before the date on which Section 3 of this act becomes effective, whether such claims, assessments, appeals, suits or actions have been begun before the date on which this act becomes effective or are begun thereafter; and the provisions of the ad valorem tax laws are expressly continued in full force, effect and operation for the purpose of the assessment, collection and enrollment of liens for any taxes due or accrued and the execution of any warrant under such laws before the date on which this act becomes effective, and for the imposition of any penalties, forfeitures or claims for failure to comply with such laws."

Laws of 2018, ch. 441, § 6, effective April 12, 2018, provides:

"SECTION 6. Section 3 of this act shall take effect and be in force from and after January 1, 2018, and the remainder of this act shall take effect and be in force from and after its passage [approved April 12, 2018]."

This section was brought forward without change by Laws of 2018, ch. 441, § 2, effective April 12, 2018. Since the language of the section as it appears in the main volume is unaffected by the bringing forward of the section, it is not reprinted in this supplement.

Amendment Notes — The 2018 amendment, effective April 12, 2018, brought the section forward without change.

§ 27-35-157. Notice to persons assessed for former years.

When the assessor shall assess the persons or property, as provided in Section 27-35-155 and shall file the same with the clerk as therein provided, the clerk shall enter the same on the last approved roll or rolls in his hands, separately for former years, and for the current year. The clerk shall immediately give ten (10) days' notice in writing, to the person or corporation whose property is thus assessed, that all objections to such assessment must be made in writing to the board of supervisors, and will be heard and determined at the next regular meeting of the board. The board at its regular meeting may

continue the matter to any other regular, special or adjourned meeting of said board. When the assessment is finally fixed and approved by the board, an appeal to the circuit court may be taken from the order of the board approving or disapproving such assessment, by the owner of the property, or by the Attorney General or other officer authorized by law, in the manner, and within the time, provided by law. If the assessment be approved and no appeal be taken, when the same has been finally determined, the clerk shall certify the said assessment to the tax collector, setting forth in his certificate the year or years for which such assessment is made, and separately the current assessment, the name of the municipality, road district, school district, or other taxing district in which the same is located. Taxes for the current year shall be collected as provided by law for other nondelinquent taxes. Except as otherwise provided in this section, the tax collector shall proceed forthwith to collect all taxes due on said assessment for the former year or years at the rates fixed by law and, in addition thereto, shall collect as a penalty ten percent (10%) of the amount of the taxes due for each year, together with interest at six percent (6%) per annum computed from the first day of February on which the taxes should have been paid. If property is found to have escaped taxation due to a county board of supervisors having granted any ad valorem tax exemption authorized under Sections 27-31-101 through 27-31-117 and then inadvertently allowing the exemption to extend beyond the period authorized by law for the exemption, a taxpayer may pay the ad valorem taxes, without any penalty or interest, which otherwise would have been levied on the property had it not been inadvertently exempted from ad valorem taxation by the county board of supervisors. If the taxes, penalties and interest shall not be paid within thirty (30) days after the final assessment is certified to him, the property, if it be real estate, shall be sold as provided by law, and if it be personal property, the tax collector shall proceed to collect by distress, or otherwise, as provided by law.

HISTORY: Codes, 1880, § 487; 1892, § 3769; 1906, § 4278; Hemingway's 1917, § 6912; 1930, § 3198; 1942, § 9822; Laws, 1946, ch. 336, § 2; Laws, 2018, ch. 441, § 1, eff from and after passage (approved April 12, 2018); Laws, 2020, ch. 394, § 1, eff from and after passage (approved June 29, 2020).

Editor's Notes — Laws of 2018, ch. 441, § 5, effective April 12, 2018, provides:

"SECTION 5. Nothing in Section 3 of this act shall affect or defeat any claim, assessment, appeal, suit, right or cause of action for taxes due or accrued under the ad valorem tax laws before the date on which Section 3 of this act becomes effective, whether such claims, assessments, appeals, suits or actions have been begun before the date on which this act becomes effective or are begun thereafter; and theprovisions of the ad valorem tax laws are expressly continued in full force, effect and operation for the purpose of the assessment, collection and enrollment of liens for any taxes due or accrued and the execution of any warrant under such laws before the date on which this act becomes effective, and for the imposition of any penalties, forfeitures or claims for failure to comply with such laws."

Laws of 2018, ch. 441, § 6, effective April 12, 2018, provides:

"SECTION 6. Section 3 of this act shall take effect and be in force from and after January 1, 2018, and the remainder of this act shall take effect and be in force from and after its passage [approved April 12, 2018]."

Amendment Notes — The 2018 amendment, effective April 12, 2018, provided for two versions of the section; in the version effective through June 30, 2020, added the exception at the beginning of the seventh sentence, and added the eighth sentence.

The 2020 amendment, effective June 29, 2020, deleted the version of the section that was to have become effective July 1, 2020, which was identical to the current version except for the exception at the beginning of the seventh sentence and the addition of the eighth sentence.

§ 27-35-163. Appeals from orders of Board of Tax Appeals by person, firm or corporation; appeals from orders of Board of Tax Appeals by Department of Revenue; appeals by state of assessments by Department of Revenue or orders of Board of Tax Appeals.

(1) Except as otherwise provided in subsection (2) of this section, any person, firm or corporation aggrieved by an order of the Board of Tax Appeals affirming, in whole or in part, the assessment of property by the Department of Revenue for the purpose of ad valorem taxation may, within thirty (30) days from the date of this order, appeal with supersedeas as to the amount of taxes in controversy to the Circuit Court of the First Judicial District of Hinds County, or to the circuit court of any county in which the property, or any part thereof, is located, or to the circuit court of any county in which such person, firm or corporation whose property is assessed resides, upon giving bond with sufficient sureties, to be approved by the clerk of such court, in a sum equal to the amount of taxes due on the contested value of such property as affirmed by the Board of Tax Appeals, but never less than One Hundred Dollars ($100.00), payable to the state and conditioned to perform the judgment of the circuit court. The ad valorem taxes due on the uncontested portion of the value as determined by the Board of Tax Appeals shall be due and payable at the same time as all other ad valorem taxes are for real and personal property. The person, firm or corporation who appeals shall file with the clerk of the circuit court a petition for appeal and review, together with the bond herein provided for, and the clerk shall thereupon give notice to the Department of Revenue, who will be the appellee in the appeal, and to the Board of Tax Appeals. The Department of Revenue shall file with the clerk of the circuit court where the petition is pending a certified copy of the assessment in issue and the Board of Tax Appeals shall file a certified copy of its order or orders in regard to this assessment. The assessment by the Department of Revenue and the order or orders of the Board of Tax Appeals are to be filed with the circuit clerk within thirty (30) days from the date that each respective agency and board received the notice from the clerk of the circuit court concerning the filing of the appeal. The matter of assessing such property shall be heard de novo by the circuit court at the first term of the court thereafter, or by the judge of the circuit court in vacation, by agreement of the parties, without a jury, and such proceeding shall be given preference over other pending matters in the court. After hearing the evidence, the circuit court, or the judge thereof in vacation, shall make an order setting aside, modifying or affirming the order of the Board of

Tax Appeals. A copy of such order shall be certified by the clerk of the court to the Department of Revenue, which shall conform thereto.

If the order of the Board of Tax Appeals is affirmed, then the person, firm or corporation who appealed, and the sureties on the appeal bond, shall be liable to the state for damages at the rate of ten percent (10%) on the amount of taxes in controversy, and all cost of such appeal.

If the Department of Revenue shall be aggrieved by an order of the Board of Tax Appeals regarding an assessment by the department for ad valorem tax purposes, the department may, within thirty (30) days from the date of the order of the Board of Tax Appeals regarding this assessment, appeal to the circuit court of any county in which the property being assessed, or any part thereof, is located or of any county in which the taxpayer resides, in like manner as in the case of any person, firm or corporation aggrieved as provided in this subsection, except no bonds shall be required of the Department of Revenue. Upon the filing of a petition for appeal or review as provided in this subsection, the clerk of the court in which the petition is filed shall thereupon issue process to the person, firm or corporation whose property is assessed, and such person, firm or corporation shall plead to the petition within thirty (30) days after the receipt of the notice.

If the state shall be aggrieved by an assessment for ad valorem tax purposes by the Department of Revenue or by an order of the Board of Tax Appeals regarding an assessment by the Department of Revenue for ad valorem tax purposes, the Attorney General or the district attorney, if all the property sought to be taxed is located within the judicial district for which such district attorney is elected, may, within thirty (30) days from the date of the notice from the Department of Revenue to the tax assessor or tax assessors in the county or counties where the property being assessed is located of the amount of the final assessment, appeal to the circuit court of any county in which the property, or any part thereof, is located or of any county in which the taxpayer resides, in like manner as in the case of any person, firm or corporation aggrieved as hereinbefore provided, except no bonds shall be required of the Attorney General or district attorney who may appeal. Upon the filing of a petition for appeal or review as herein provided, the clerk of the court in which the petition is filed shall thereupon issue process to the person, firm or corporation whose property is assessed, and such person, firm or corporation shall plead to the petition within twenty (20) days after the receipt of the notice.

In the event more than one (1) person appeals an assessment by the Department of Revenue for ad valorem tax purposes or an order of the Board of Tax Appeals regarding an assessment by the Department of Revenue for ad valorem tax purposes under this section, the matter shall be heard by the circuit court of the county in which the petition for appeal was first filed, unless otherwise agreed by the parties.

Any taxpayer aggrieved by an order of the circuit court may appeal, with supersedeas, to the Supreme Court by giving bond in the amount and conditioned as provided in the preceding paragraphs of this section.

The officer who appealed the matter from the ad valorem assessment of the Department of Revenue or from the order of the Board of Tax Appeals concerning an ad valorem assessment by the Department of Revenue may have an appeal to the Supreme Court without bond.

If the Department of Revenue appeals the matter from the order of the Board of Tax Appeals concerning an assessment by the Department of Revenue for ad valorem tax purposes, it may have an appeal to the Supreme Court without bond.

In the event the appeal by the taxpayer delays the collection of the tax due by him, then the taxpayer shall be liable for and shall pay, at the time the taxes are paid to the tax collector whose duty it is to collect the taxes, interest at the rate of six percent (6%) per annum from the date the taxes were due until paid.

(2) Any telephone company operating in more than six (6) counties, which is aggrieved by an assessment by the Department of Revenue for ad valorem tax purposes, may, within thirty (30) days from the date of the order of the Board of Tax Appeals regarding this assessment, appeal without bond as to the amount of taxes in controversy to the Circuit Court of the First Judicial District of Hinds County, or to the circuit court of any county in which the property, or any part thereof, is located, or to the circuit court of any county in which such telephone company resides. Notwithstanding such appeal, all of the ad valorem taxes due on the value as set by the Department of Revenue as adjusted by the Board of Tax Appeals shall be due and payable at the same time as all other ad valorem taxes are for real and personal property; provided, however, that the ad valorem taxes due on the contested portion of such value shall be paid under protest. Such telephone company shall file with the clerk of the circuit court a petition for appeal and review and the clerk shall thereupon give notice to the Department of Revenue, who will be the appellee in the appeal, and to the Board of Tax Appeals. The Department of Revenue shall file with the clerk of the circuit court where the petition is pending a certified copy of the assessment in issue and the Board of Tax Appeals shall file a certified copy of its order or orders in regard to this assessment. The assessment by the Department of Revenue and the order or orders of the Board of Tax Appeals are to be filed with the circuit clerk within thirty (30) days from the date that each respective agency and board received the notice from the clerk of the circuit court concerning the filing of the appeal. The matter of assessing such property shall be heard de novo by the circuit court at the first term of the court thereafter, or by the judge of the circuit court in vacation, by agreement of the parties, without a jury, and such proceeding shall be given preference over other pending matters in the court. After hearing the evidence, the circuit court, or the judge thereof in vacation, shall make an order setting aside, modifying or affirming the order of the Board of Tax Appeals. A copy of such order shall be certified by the clerk of the court to the Department of Revenue, which shall conform thereto.

If the Department of Revenue shall be aggrieved by an order of the Board of Tax Appeals regarding an assessment by the department for ad valorem tax purposes, the department may, within thirty (30) days from the date of the

order of the Board of Tax Appeals regarding this assessment, appeal to the circuit court of any county in which the property being assessed, or any part thereof, is located or of any county in which the taxpayer resides, in like manner as in the case of any person, firm or corporation aggrieved as provided in this subsection, except no bonds shall be required of the Department of Revenue. Upon the filing of a petition for appeal or review as provided in this subsection, the clerk of the court in which the petition is filed shall thereupon issue process to the person, firm or corporation whose property is assessed, and such person, firm or corporation shall plead to the petition within thirty (30) days after the receipt of the notice.

If the state shall be aggrieved by an assessment for ad valorem purposes by the Department of Revenue or by an order of the Board of Tax Appeals regarding an assessment by the Department of Revenue for ad valorem tax purposes, the Attorney General or the district attorney, if all the property sought to be taxed is located within the judicial district for which such district attorney is elected, may, within thirty (30) days from the date of the notice from the Department of Revenue to the tax assessor or tax assessors in the county or counties where the property being assessed is located of the amount of the final assessment, appeal without bond to the circuit court of any county in which the property, or any part thereof, is located or of any county in which such telephone company resides. Upon the filing of a petition for appeal or review as herein provided, the clerk of the court in which the petition is filed shall thereupon issue process to such telephone company, and such telephone company shall plead to the petition within thirty (30) days after the receipt of the notice.

In the event more than one (1) person appeals an assessment of a telephone company by the Department of Revenue for ad valorem tax purposes or an order of the Board of Tax Appeals regarding an assessment of a telephone company by the Department of Revenue for ad valorem tax purpose, the matter shall be heard by the circuit court of the county in which the petition for appeal was first filed, unless otherwise agreed by the parties.

Any such telephone company aggrieved by an order of the circuit court may appeal without bond to the Supreme Court.

The officer who appealed the matter from ad valorem assessment of the Department of Revenue of a telephone company or from the order of the Board of Tax Appeals concerning an ad valorem tax assessment by the Department of Revenue of a telephone company may have an appeal to the Supreme Court without bond.

If the Department of Revenue appeals the matter from the order of the Board of Tax Appeals concerning an assessment of a telephone company by the Department of Revenue for ad valorem tax purposes, it may have an appeal to the Supreme Court without bond.

If the value as set by the final assessment of the Department of Revenue of the telephone company, including any adjustment ordered by the Board of Tax Appeals, is reduced by the courts as a result of appeals filed by such telephone company, the ad valorem taxes attributable to such reduction shall be disposed of by each affected local taxing district in the following manner:

(a)(i) Such local telephone company shall be entitled to a refund equal to the amount of ad valorem taxes paid by such company to the taxing district which are attributable to such reduction in value, less the portion of any refunds previously received by such telephone company pursuant to Section 27-38-5, which are attributable to such reduction in value.

(ii) If the taxing district has not paid the full amount of the refund required by this subsection by the time that ad valorem taxes become due and payable by such telephone company to such taxing district for any subsequent year or years, such telephone company shall be entitled to take a credit against the ad valorem tax liability for such subsequent year or years up to the total amount of the refund owed to such telephone company pursuant to this paragraph (a).

(b)(i) The remaining portion of the ad valorem taxes attributable to such reduction shall be paid by the taxing district to the state, and such amount shall be credited to the Telecommunications Ad Valorem Tax Reduction Fund.

(ii) To the extent that the taxing district has not fully paid to the state the amount required by this subsection, any monies due by the state to such local taxing jurisdiction shall be offset until such amount is fully paid.

HISTORY: Codes, 1942, § 9853; Laws, 1931, ch. 27; Laws, 1934, ch. 206; Laws, 1936, ch. 149; Laws, 1962, ch. 588, § 24; Laws, 1989, ch. 517, § 1; Laws, 2000, ch. 303, § 9; Laws, 2009, ch. 492, § 73, eff from and after July 1, 2010; Laws, 2020, ch. 372, § 3, eff from and after July 1, 2020.

Amendment Notes — The 2020 amendment, in (1), substituted "ad valorem tax purposes" for "ad valorem taxes purposes" in the fourth paragraph, and "six percent (6%)" for "twelve percent (12%)" in the last paragraph.

ARTICLE 3.

ASSESSMENT OF RAILROADS AND OTHER PUBLIC SERVICE CORPORATIONS.

Sec.

§ 27-35-301. Department of Revenue as assessor of public service corporations.

The Department of Revenue is constituted state assessor of railroads and other public service corporations, and it shall, upon the receipt or making of

the schedules hereinafter provided for, assess the property of railroads, telegraph, telephone, sleeping car, express, electric power and light companies and other public service corporations liable to taxation in the state, affixing its value for the purposes of ad valorem taxation so that such property shall bear its just proportion of taxation, taking into consideration the value of the franchise and the capital engaged in the business in this state. The state assessor of railroads and other public service corporations may adopt other and further rules necessary and proper to ascertain the value of property to be assessed by it, including the value of the franchise and amount of capital engaged in the business in this state. Provided, however, the Department of Revenue shall be the assessor of railroad and Class IV public service property, but shall not be the assessor of the types and kinds of properties owned by the public service corporations and appraised and assessed by county tax assessors pursuant to Sections 27-35-331 through 27-35-341.

HISTORY: Codes, Hemingway's 1921 Supp. § 7769l; 1930, § 3200; 1942, § 9825; Laws, 1918, ch. 138; Laws, 1986, ch. 346, § 7; Laws, 1991, ch. 385, § 3, eff from and after passage (approved March 15, 1991); Laws, 2020, ch. 373, § 1, eff from and after January 1, 2021.

Amendment Notes — The 2020 amendment, effective January 1, 2021, substituted "assessor" for "assessors" everywhere it appears and made related changes; substituted "Department of Revenue" for "members of the State Tax Commission" both times it appears and made related changes; deleted "true" following "affixing its"; and inserted "for the purposes of ad valorem taxation."

§ 27-35-303. Schedules required to be filed.

(1) Each person, firm, company or corporation owning and/or operating a railroad, oil or gas pipeline company, electric company or any other company listed in Section 27-35-301, owning property not situated wholly in one (1) county; and any telephone company owning property in more than six (6) counties shall, on or before the first day of April in each year, file with the Department of Revenue a complete schedule, under oath, on forms prescribed and furnished by the Department of Revenue, of all its property, real or personal, taxable and nontaxable, owned by it on the first day of the preceding January, setting forth therein the value of the whole, the total amount of capital stock, its par value and its actual value, and the value of its franchise, the gross amount of receipts in the year preceding; all real, personal or mixed property belonging to the company within the state, not enumerated, with its value; a list of all lands in this state owned, describing the same and giving the value thereof, the gross amount of receipts the year preceding earned within and from this state; and if any of said property is claimed to be exempt from taxation, it shall be separately stated and valued, and the law cited under which the claim is made. It shall not be necessary that a rendition on any motor vehicles be made as defined by the "Motor Vehicle Ad Valorem Tax Law of 1958." In addition to these required schedules, the Department of Revenue may require each person, firm, company or corporation to file with the

Department of Revenue a copy of any annual report or form required to be filed by him with any federal regulatory agency. The Department of Revenue may grant an extension of up to twenty (20) days for the filing of the schedules required by this section.

(2) The Department of Revenue shall have the power to adopt, amend or repeal such rules and regulations as necessary to implement tax duties assigned to it in this section.

HISTORY: Codes, Hemingway's 1921 Supp § 7769m; 1930, § 3201; 1942, § 9826; Laws, 1918, ch. 138; Laws, 1958, ch. 549, § 6; Laws, 1989, ch. 517, § 2; Laws, 1997, ch. 319, § 1, eff from and after passage (approved March 14, 1997); Laws, 2020, ch. 373, § 2, eff from and after January 1, 2021.

Amendment Notes — The 2020 amendment, effective January 1, 2021, substituted "Department of Revenue" for "State Tax Commission" throughout the section; and in (1), in the first sentence, substituted "first day of April in each year" for "first Monday in April in each year," and in the last sentence, substituted "twenty (20) days" for "thirty (30) days."

§ 27-35-305. Penalty for failure to file schedule.

If any company, corporation, firm or person, who is required by law to render schedules of its, their or his property to the Department of Revenue, as provided by Section 27-35-303, Mississippi Code of 1972, for the purposes of assessment for taxation, shall fail, refuse or neglect to render the schedules, as required, the Department of Revenue may impose on such company, corporation, firm or person a penalty of ten percent (10%) of the assessment as computed by the department, and in case of such failure, refusal or neglect, the department shall make out such schedules from the best information obtainable.

HISTORY: Codes, Hemingway's 1921 Supp § 7769n; 1930, § 3202; 1942, § 9827; Laws, 1918, ch. 138; Laws, 1989, ch. 517, § 3, eff from and after January 1, 1990; Laws, 2020, ch. 373, § 3, eff from and after January 1, 2021.

Amendment Notes — The 2020 amendment, effective January 1, 2021, substituted "Department of Revenue" for "State Tax Commission" and "department" for "tax commission" and "commission" everywhere the terms appear; and substituted "may impose on such company, corporation, firm or person a penalty of ten percent (10%)" for "such company, corporation, firm or person shall pay a penalty up to ten percent (10%)."

§ 27-35-309. Method for assessing companies listed in § 27-35-303; taxation of nuclear generating plants generally; distribution of revenues.

(1) The Department of Revenue shall, if practicable, on or before the first Monday of June of each year, make out for each person, firm, company or corporation listed in Section 27-35-303, Mississippi Code of 1972, an assessment of the company's property, both real and personal, tangible and intangible. The Department of Revenue shall apportion the assessment of value of

each company's property according to the provisions of this article, except as provided in subsection (3) of this section, as follows:

(a) When the property of such public service company is located in more than one (1) county in this state, the Department of Revenue shall direct the company to apportion the assessed value between the counties and municipalities and all other taxing districts therein, in the proportion which the property located therein bears to the entire value of the property of such company as valued by the department, so that to each county, municipality and taxing district therein, there shall be apportioned such part of the entire valuation as will fairly equalize the relative value of the property therein located to the whole value thereof.

(b) When the property of such public utility required to be assessed by the provisions of this article is located in more than one (1) state, the assessed value thereof shall be apportioned by the Department of Revenue in such manner as will fairly and equitably determine the principal sum for the value thereof in this state, and after ascertaining such value it shall be apportioned by them as herein provided.

The assessment roll shall contain all the property of any such public service company, railroad, person, firm or corporation and the value thereof, and so made that each county, municipality, and taxing district shall receive its just share of taxes proportionately to the amount of property therein situated.

(2)(a) The assessment when made shall remain open for twenty (20) days in the Office of the Department of Revenue, and be for such time subject to the objections thereto which may be filed with the Executive Director of the Board of Tax Appeals; but real estate belonging to railroads and which forms no part of the road, and is wholly disconnected from its railroad business, shall not be assessed by the Department of Revenue, but shall be assessed as other real estate is assessed by the tax assessor of the county where situated.

(b) The apportionment of the assessed value as required by this section shall be filed with the Department of Revenue by such public service company on or before the last day of the objection period established in paragraph (a) of this subsection (2). If such company shall fail, refuse or neglect to render the apportionment of assessed value as required by this section, such company shall be subject to the penalties provided for in Section 27-35-305. The filing of an objection by such public service company shall not preclude such company from filing the property apportionment as required by this section.

(3) Any nuclear generating plant which is located in the state, which is owned or operated by a public utility rendering electric service within the state and not exempt from ad valorem taxation under any other statute and which is not owned or operated by an instrumentality of the federal government shall be exempt from county, municipal and district ad valorem taxes. In lieu of the payment of county, municipal and district ad valorem taxes, such public utility shall pay to the Department of Revenue a sum based on the assessed value of such nuclear generating plant in an amount to be determined and distributed as follows:

(a) The Department of Revenue shall annually assign an assessed value to any nuclear generating plant described in this subsection in the same manner as for ad valorem tax purposes by using accepted industry methods for appraising and assessing public utility property. The assessed value assigned shall be used for the purpose of determining the in-lieu tax due under this section and shall not be included on the ad valorem tax rolls of the situs taxing authority nor be subject to ad valorem taxation by the situs taxing authority nor shall the assessed value assigned be used in determining the debt limit of the situs taxing authority. However, the assessed value so assigned may be used by the situs taxing authority for the purpose of determining salaries of its public officials.

(b) On or before February 1, 1987, for the 1986 taxable year and on or before February 1 of each year through the 1989 taxable year, such utility shall pay to the Department of Revenue a sum equal to two percent (2%) of the assessed value as ascertained by the Department of Revenue, but such payment shall not be less than Sixteen Million Dollars ($16,000,000.00) for any of the four (4) taxable years; all such payments in excess of Sixteen Million Dollars ($16,000,000.00) for these four (4) taxable years shall be paid into the General Fund of the state. On or before February 1, 1991, for the 1990 taxable year and on or before February 1 of each year thereafter, such utility shall pay to the Department of Revenue a sum equal to two percent (2%) of the assessed value as ascertained by the Department of Revenue, but such payment shall not be less than Twenty Million Dollars ($20,000,000.00) for any taxable year for as long as such nuclear power plant is licensed to operate and is not being permanently decommissioned; all such payments in excess of Sixteen Million Dollars ($16,000,000.00) for taxable years 1990 and thereafter shall be paid as follows:

(i) An amount of Three Million Forty Thousand Dollars ($3,040,000.00) annually, beginning with fiscal year 1991, shall be transferred by the Department of Revenue to Claiborne County. Such payments may be expended by the Board of Supervisors of Claiborne County for any purpose for which a county is authorized by law to levy an ad valorem tax and shall not be included or considered as proceeds of ad valorem taxes for the purposes of the growth limitation on ad valorem taxes under Sections 27-39-305 and 27-39-321. However, should the Board of Supervisors of Claiborne County withdraw its support of the Grand Gulf Nuclear Station off-site emergency plan or otherwise fail to satisfy its off-site emergency plan commitments as determined by the Mississippi Emergency Management Agency and the Federal Emergency Management Agency, Five Hundred Thousand Dollars ($500,000.00) annually of the funds designated for Claiborne County as described by this subsection (i) shall be deposited in the Grand Gulf Disaster Assistance Fund as provided in Section 33-15-51.

(ii) An amount of One Hundred Sixty Thousand Dollars ($160,000.00) annually, beginning with fiscal year 1991, shall be transferred by the Department of Revenue to the City of Port Gibson, Mississippi. Such

payments may be expended by the Board of Aldermen of the City of Port Gibson for any purpose for which a municipality is authorized by law to levy an ad valorem tax and shall not be included or considered as proceeds of ad valorem taxes for the purposes of the growth limitation on ad valorem taxes under Sections 27-39-305 and 27-39-321. However, should the Board of Aldermen of the City of Port Gibson withdraw its support of the Grand Gulf Nuclear Station off-site emergency plan or otherwise fail to satisfy its off-site emergency plan commitment, as determined by the Mississippi Emergency Management Agency and the Federal Emergency Management Agency, Fifty Thousand Dollars ($50,000.00) annually of the funds designated for the City of Port Gibson as described by this subsection (ii) shall be deposited in the Grand Gulf Disaster Assistance Fund as provided in Section 33-15-51.

(iii) The remaining balance of the payments in excess of Sixteen Million Dollars ($16,000,000.00) annually, less amounts transferred under (i) and (ii) of this subsection, beginning with fiscal year 1991, shall be allocated in accordance with subsection (3)(f) of this section.

(c) Pursuant to certification by the Attorney General to the State Treasurer and the Department of Revenue that the suit against the State of Mississippi pending on the effective date of House Bill 8, First Extraordinary Session of 1990, [Laws, 1990 Ex Session, Ch. 12, eff June 26, 1990], in the Chancery Court for the First Judicial District of Hinds County, Mississippi, styled Albert Butler et al v. the Mississippi State Tax Commission et al, has been voluntarily dismissed with prejudice as to all plaintiffs at the request of the complainants and that no attorney's fees or court costs have been assessed against the state and each of the parties, including Claiborne County and each municipality and school district located in the county, have signed and delivered to the Attorney General a full and complete release in favor of the State of Mississippi and its elected officials of all claims that have been asserted or may be asserted in the suit pending on the effective date of House Bill 8, First Extraordinary Session of 1990, [Laws, 1990 Ex Session, Ch. 12, eff June 26, 1990], in the Chancery Court for the First Judicial District of Hinds County, Mississippi, styled Albert Butler et al v. the Mississippi State Tax Commission et al, and the deposit into the State General Fund of in-lieu payments and interest thereon due the state under subsection (3)(b) of this section but placed in escrow because of the lawsuit described above, the state shall promptly transfer to the Board of Supervisors of Claiborne County out of the State General Fund an amount of Two Million Dollars ($2,000,000.00) which shall be a one-time distribution to Claiborne County from the state. Such payment may be expended by the Board of Supervisors of Claiborne County for any purposes for which a county is authorized by law to levy an ad valorem tax and shall not be included or considered as proceeds of ad valorem taxes for the purposes of the growth limitation on ad valorem taxes for the 1991 fiscal year under Sections 27-39-321 and 27-39-305.

(d) After distribution of the one-time payment to Claiborne County as set forth in subsection (3)(c) of this section, the Department of Revenue upon

certification that the pending lawsuit as described in subsection (3)(c) of this section has been voluntarily dismissed shall promptly deposit an amount of Five Hundred Thousand Dollars ($500,000.00) into the Grand Gulf Disaster Assistance Trust Fund as provided for in Section 33-15-51, which shall be a one-time payment, to be utilized in accordance with the provisions of such section.

(e) After distribution of the one-time payment to Claiborne County as set forth in subsection (3)(c) of this section and the payment to the Grand Gulf Disaster Assistance Trust Fund as set forth in subsection (3)(d) of this section, the Department of Revenue upon certification that the pending lawsuit as described in subsection (3)(c) of this section has been voluntarily dismissed shall promptly distribute ten percent (10%) of the remainder of the prior payments remaining in escrow to the General Fund of the state and the balance of the prior payments remaining in escrow shall be distributed to the counties and municipalities in this state wherein such public utility has rendered electric service in the proportion that the amount of electric energy consumed by the retail customers of such public utility in each county, excluding municipalities therein, and in each municipality, for the next preceding fiscal year bears to the total amount of electric energy consumed by all retail customers of such public utility in the State of Mississippi for the next preceding fiscal year. The payments distributed to the counties and municipalities under this paragraph (e) may be expended by such counties and municipalities for any lawful purpose and shall not be included or considered as proceeds of ad valorem taxes for the purposes of the growth limitation on ad valorem taxes under Sections 27-39-321 and 27-39-305.

(f) After distribution of the payments for fiscal year 1991 as set forth in Section 19-9-151 and distribution of the payments as provided for in subsection (3)(b) of this section, the Department of Revenue shall distribute ten percent (10%) of the remainder of the payments to the General Fund of the state and the balance to the counties and municipalities in this state wherein such public utility renders electric service in the proportion that the amount of electric energy consumed by the retail customers of such public utility in each county, excluding municipalities therein, and in each municipality for the next preceding fiscal year bears to the total amount of electric energy consumed by all retail customers of such public utility in the State of Mississippi for the next preceding fiscal year.

(g) No county, including municipalities therein, shall receive in excess of twenty percent (20%) of the funds distributed under paragraph (f) of this subsection.

(h) The revenues received by counties and municipalities under paragraph (f) of this subsection shall not be included or considered as proceeds of ad valorem taxes for the purposes of the growth limitation on ad valorem taxes under Sections 27-39-305 and 27-39-321.

HISTORY: Codes, Hemingway's 1921 Supp § 7769o; 1930, § 3204; 1942, § 9829;

Laws, 1918, ch. 138; Laws, 1926, ch. 127; Laws, 1932, ch. 291; Laws, 1986, ch. 507, § 1; Laws, 1989, ch. 517, § 5; Laws, 1990, ch. 524, § 2; Laws, 1990 Ex Sess, ch. 12, § 1; Laws, 2001, ch. 334, § 3; Laws, 2009, ch. 492, § 74, eff from and after July 1, 2010; Laws, 2020, ch. 373, § 4, eff from and after January 1, 2021.

Amendment Notes — The 2020 amendment, effective January 1, 2021, in (2)(a), substituted "twenty (20) days" for "thirty (30) days"; in (2)(b), substituted "before the last day of the objection period established in paragraph (a) of this subsection (2)" for "before the first day of August in each year"; and in (3)(c), substituted "Department of Revenue" for "State Tax Commission."

§ 27-35-311. Board of Tax Appeals to hear objections made by Department of Revenue; procedure.

(1) It shall be the duty of the Board of Tax Appeals to hear and determine objections to assessments made by the Department of Revenue for ad valorem tax purposes. They may, if they think objections just, sustain the same and amend assessments, if necessary accordingly.

(2) Any objection shall be in writing and filed with the Executive Director of the Board of Tax Appeals within the twenty-day period set out in Section 27-35-309(2)(a). At the time of filing the objection with the Executive Director of the Board of Tax Appeals, the taxpayer shall specify in detail the relief requested and present the basis of any arguments against the Department of Revenue's assessment. The taxpayer shall also file a copy of his written objection with the Department of Revenue.

HISTORY: Codes, Hemingway's 1921 Supp § 7769p; 1930, § 3205; 1942, § 9830; Laws, 1918, ch. 138; Laws, 2009, ch. 492, § 75, eff from and after July 1, 2010; Laws, 2020, ch. 373, § 5, eff from and after January 1, 2021.

Amendment Notes — The 2020 amendment, effective January 1, 2021, in (2), substituted "twenty-day period" for "thirty-day period," and divided the former last sentence into the present last two sentences by inserting "specify in detail the relief requested and present the basis of any arguments against the Department of Revenue's assessment. The taxpayer shall."

§ 27-35-313. Rolls to be sent to counties.

So soon as the assessment rolls have remained subject to objection for twenty (20) days, and when all objections, if any, are disposed of, the assessment rolls shall be approved by the Department of Revenue, and a certified copy of the assessment rolls shall be sent immediately to the clerks of the board of supervisors of the respective counties, who shall file and preserve it as a record.

HISTORY: Codes, Hemingway's 1921 Supp § 7769q; 1930, § 3206; 1942, § 9831; Laws, 1918, ch. 138; Laws, 2001, ch. 334, § 4; Laws, 2009, ch. 492, § 76, eff from and after July 1, 2010; Laws, 2020, ch. 373, § 6, eff from and after January 1, 2021.

Amendment Notes — The 2020 amendment, effective January 1, 2021, substituted "twenty (20) days" for "thirty (30) days."

§ 27-35-325. Department of Revenue empowered to assess certain property escaping taxation.

The Department of Revenue is hereby authorized and empowered and it shall be its duty to assess any property required to be assessed by the Department of Revenue as the state assessor of railroads, which it discovers escaping taxation in former years by reason of not being assessed; and to assess or cause to be assessed and taxed, any such property which it discovers escaping taxation by reason of not being assessed in or for the benefit of any road district, school district, or other taxing district or municipality, although the property may have been assessed and taxed for state and general county taxes; however, the right to so assess property shall expire at the end of seven (7) years from the date when the right so to do first accrued. When any property is discovered escaping assessment and taxation which, under the law, is required to be assessed by the Department of Revenue as state assessor of railroads, the Department of Revenue shall assess the same for such purpose and for the years it has escaped taxation, and shall give notice by United States mail, or otherwise, by the Commissioner of Revenue of the Department of Revenue to the owner of the property, or agent, of such owner, showing what property has escaped assessment and for what years, and all other proper information, and the owner shall have twenty (20) days in which to file objections. The Department of Revenue shall deal with the assessment in all respects with the same powers as if made at the time regular assessment of such property is made, and shall have power to require such information as it may desire for the correct determination of all questions before it. When any objection is heard and determined, the Board of Tax Appeals shall by order approve or disapprove, or may modify the assessment, and make it final. If no objection is made in regard to the assessment or if the assessment is approved or modified by the Board of Tax Appeals, the Department of Revenue shall certify it to the clerk of the board of supervisors of the county or counties where the property is located, and such assessment shall be dealt with by the clerk and tax collector as is required in cases of assessments when made at the regular time. In all cases where suit is necessary, it shall be the duty of the Attorney General to represent the Department of Revenue whenever requested to do so.

HISTORY: Codes, Hemingway's 1917, § 7033; 1930, § 3226; 1942, § 9852; Laws, 1916, ch. 130; Laws, 1928, ch. 214; Laws, 1942, ch. 135; Laws, 1958, ch. 569; Laws, 2009, ch. 492, § 77, eff from and after July 1, 2010; Laws, 2020, ch. 373, § 7, eff from and after January 1, 2021.

Amendment Notes — The 2020 amendment, effective January 1, 2021, substituted "twenty (20) days" for "thirty (30) days."

ARTICLE 5.

ASSESSMENT OF TRANSPORTATION COMPANIES OPERATING OR FURNISHING RAILROAD CARS.

Sec.
27-35-513. Failure to report; penalty.

§ 27-35-513. Failure to report; penalty.

If any company shall fail, or refuse, to make and file any statements required by law or any other statement demanded by the Department of Revenue on or before the time required by Section 27-35-509, Mississippi Code of 1972, such company may be assessed a penalty of ten percent (10%) on the tax as computed by the Department of Revenue, and in case of such failure, neglect or refusal, the department may make out an assessment against the company or companies, from the best information available.

HISTORY: Codes, 1930, § 3217; 1942, § 9843; Laws, 1926, ch. 129; Laws, 1989, ch. 477, § 1, eff from and after October 1, 1989; Laws, 2020, ch. 373, § 8, eff from and after January 1, 2021.

Amendment Notes — The 2020 amendment, effective January 1, 2021, substituted "Department of Revenue" for "State Tax Commission" both times it appears, "company may be assessed a penalty of ten percent (10%)" for "company shall pay a penalty of up to ten percent (10%)," and "the department may" for "the commission shall."

ARTICLE 7.

TAXATION OF AIRLINE COMPANY AIRCRAFT.

Sec.
27-35-703. Assessment of aircraft; airline companies to annually file schedule of aircraft operated within the state; objections to assessments to be heard by Board of Tax Appeals.

§ 27-35-703. Assessment of aircraft; airline companies to annually file schedule of aircraft operated within the state; objections to assessments to be heard by Board of Tax Appeals.

(1) The department shall annually assess, adjust, equalize and apportion the valuation of all aircraft of each airline company of a type or model operated in this state by such airline company by such type or model. Such aircraft shall be valued by the department in the same manner as other personal property in the state is valued.

(2) Each airline company shall file with the department, on or before the first day of April of each year, a complete schedule of all aircraft of a type or model operated in this state by such company. Such schedule shall be made

under oath on forms prescribed and furnished by the department. If any airline company shall fail, refuse or neglect to file the required schedules, such company may be penalized in the manner provided for in Section 27-35-305.

(3) The assessment when made and completed shall remain open for twenty (20) days for inspection in the offices of the Department of Revenue and be subject to objections by the airline companies for the same time period. The Board of Tax Appeals shall hear all objections, and it may increase or decrease any assessment if such action appears to be necessary and proper.

(4) Any objection shall be in writing and filed with the Executive Director of the Board of Tax Appeals within the twenty-day period set out in subsection (3) of this section for objections. At the time of filing the objection with the Executive Director of the Board of Tax Appeals, the taxpayer shall also file a copy of his written objection with the Department of Revenue.

HISTORY: Codes, 1942, § 9853-02; Laws, 1968, ch. 594, § 2; Laws, 2002, ch. 344, § 1; Laws, 2009, ch. 492, § 81, eff from and after July 1, 2010; Laws, 2020, ch. 373, § 9, eff from and after January 1, 2021.

Amendment Notes — The 2020 amendment, effective January 1, 2021, in (2), substituted "first day of April" for "first Monday in April"; in (3), substituted "twenty (20) days" for "thirty (30) days"; and in (4), substituted "twenty-day period" for "thirty-day period."

CHAPTER 39.

AD VALOREM TAXES—STATE AND LOCAL LEVIES

ARTICLE 2.

ADVERTISEMENT OF PROPOSED AD VALOREM TAX INCREASES.

§ 27-39-203. Public hearings to consider budget and tax levies; form and content of advertisement of hearings.

JUDICIAL DECISIONS

1. Failure to comply with advertising requirements

Board of supervisors failed to comply with the advertising requirements of Miss. Code Ann. § 27-39-203(2) where Miss. Code Ann. § 27-39-203(9) required strict compliance, the board ordered the tax levies and increased the millage rates without holding a hearing, a hearing held thereafter did not cure the defect, and there was no evidence that an increase in mills was a new levy. Tunica Cty. Bd. of Supervisors v. HWCC-Tunica, LLC, 237 So. 3d 115, 2017 Miss. LEXIS 458 (Miss. 2017).

CHAPTER 41.

AD VALOREM TAXES—COLLECTION

GENERAL PROVISIONS

§ 27-41-9. Interest on taxes due; extension of due date by proclamation.

(1) If any person fails to pay the tax levied and assessed against him when due, he shall be required to pay, in addition to the amount of taxes unpaid after February 1, interest thereon at the rate of one-half of one percent (1/2 of 1%) per month, or fractional part thereof, from February 1 to the date of payment of such taxes. When the due date for any payment shall fall on a Saturday, Sunday or legal holiday then the payment shall be received by the tax collector on the first working day after such day or days without any interest being owed by the taxpayer.

The interest charge of one-half of one percent (1/2 of 1%) shall be collected and apportioned and paid into the state, county, levee board or drainage district or municipal treasury. That portion paid into the county or municipal treasury shall be paid into the general fund of such county or municipality.

If any taxpayer neglects or refuses to pay his taxes on the due date thereof, the said taxes shall bear interest at the rate of one-half of one percent (1/2 of 1%) per month or fractional part thereof from the delinquent date to the date payment of such taxes is made; provided that because of unusual conditions in any county where neither the taxpayer nor the tax collector is negligent or responsible for the delay incident to such tax payments, the Governor of the state may by proclamation before, on or after the due date of such tax payments extend the time for the imposition of this penalty for a period not to exceed sixty (60) days, and if necessary, for two (2) additional periods not to exceed sixty (60) days each.

(2) Such proclamation shall be filed with the clerk of the board of supervisors of the county affected thereby and shall not become effective until so filed. The proclamation shall be spread at large upon the minutes of the next regular meeting of the board of supervisors held after the date of the filing thereof.

HISTORY: Codes, 1942, § 9895; Laws, 1934, ch. 188; Laws, 1936, ch. 303; Laws, 1944, ch. 204, §§ 1, 2; Laws, 1982, ch. 346; Laws, 1985, ch. 396; Laws, 1986, ch. 460; Laws, 1991, ch. 521, § 1; Laws, 1992, ch. 406, § 1; Laws, 1995, ch. 468, § 4; Laws, 1999, ch. 391, § 1, eff from and after passage (approved Mar. 16, 1999); Laws, 2020, ch. 372, § 4, eff from and after July 1, 2020.

Amendment Notes — The 2020 amendment substituted "one-half of one percent (1/2 of 1%)" for "one percent (1%)" everywhere it appears in the section.

CHAPTER 43.

AD VALOREM TAXES—NOTICE OF TAX SALE TO OWNERS AND LIENORS

Sec.
27-43-3. Notice to owners; service of notice; fees.

§ 27-43-1. Notice to owners.

JUDICIAL DECISIONS

ANALYSIS

1. In general.
2. Clerk's failure to give prescribed notice.

1. In general.

Because substantial credible evidence supported the finding that many of the requirements under the statute were not met, a 1998 tax deed was void, and a grantee was the rightful owner of the property and was entitled to statutory redemption notice with respect to the 1993 tax sale; the county chancery clerk admitted to numerous notice insufficiencies relating to the 1990 tax sale, including the chancery court's failure to notify the grantee or her agent and publish notice of the tax sale. Alexander v. Musgrove, 311 So. 3d 668, 2021 Miss. App. LEXIS 3 (Miss. Ct. App. 2021).

Chancellor erred in ruling a purchaser lacked standing to set aside a 2015 tax sale because the case occurred prior to amendment to Miss. Code Ann. § 27-45-27; since § 27-45-27 had not been amended, and at the time of the 2016 tax sale, the two-year redemption period relating back to the 2015 tax sale had not expired, any complaint filed prior to the 2016 tax sale would have been premature and filed on presumed non-compliance by the chancery clerk before notice obligations were triggered. Bennett Tax Co. v. Newton Cty., 298 So. 3d 440, 2020 Miss. App. LEXIS 370 (Miss. Ct. App. 2020).

Miss. Code Ann. § 27-43-1, which governs the form of statutory notice to the record landowner, merely provides that the clerk here describe lands to be forfeited, and Miss. Code Ann. § 27-43-5 requires the same; the only difference is that the § 27-43-5 notice must also contain the book, page, and date of the instrument recording the lien filed with the clerk's office. Here, the chancery court cited no relevant authority to support its finding that the property's legal description must be fully included in the notice of forfeiture. Outlaw v. O'Callaghan, — So. 3d —, 2020 Miss. App. LEXIS 575 (Miss. Ct. App. Oct. 13, 2020).

Appellee traveled to Mississippi, bought the subject property, and paid taxes on it for a couple of years before it was sold for unpaid taxes; the property description in the notice, containing the lot number, parcel number, block number, deed book and page number, date of the warranty deed, and all but one word of the subdivision name, was sufficient to inform her of the specific property at issue. Outlaw v. O'Callaghan, — So. 3d —, 2020 Miss. App. LEXIS 575 (Miss. Ct. App. Oct. 13, 2020).

Although the statute does not expressly provide that the notice must contain the clerk's seal, the form of notice does have a blank line for the clerk's signature; the court finds unpersuasive the contention that the blank line is meant to be filled in with the appropriate county and court designation, as the line is obviously meant for the signature of the chancery clerk, either by herself personally or by her deputy clerk. The lack of the clerk's signature in this case rendered the notice fa-

tally flawed. Outlaw v. O'Callaghan, — So. 3d —, 2020 Miss. App. LEXIS 575 (Miss. Ct. App. Oct. 13, 2020).

2. Clerk's failure to give prescribed notice.

Chancery court properly granted judgment a property owner's motion for summary judgment voiding a tax sale and setting aside the chancery clerk's conveyance issued to a purchaser because the tax sale was void since the redemption-notice statute was not strictly followed; the chancery clerk incorrectly published notice to the purchaser with the name listed in the deed vesting title, but the chancery court clerk was required to provide notice to the record and reputed owner of the land. Trust v. Ciota, 291 So. 3d 780, 2019 Miss. App. LEXIS 548 (Miss. Ct. App. 2019).

Chancery court erred in denying a property owner's motion to set aside the entry of default and default judgment in favor of a tax-sale purchaser in its quiet title action because the court erred in finding that the owner failed to satisfy the three-part test to set aside the default judgment where the owner had a colorable defense with respect to whether service was properly effectuated regarding the notice of forfeiture inasmuch as the statutory notice scheme was not followed where the owner was not personally served, and all notices were mailed to, and the attempt at personal service made at, the property address, despite ample notice of record that of the owner's correct address. Vanaman v. Am. Pride Props., LLC, 287 So. 3d 251, 2018 Miss. App. LEXIS 650 (Miss. Ct. App. 2018), cert. dismissed, — So. 3d —, 2019 Miss. LEXIS 448 (Miss. 2019).

§ 27-43-3. Notice to owners; service of notice; fees.

The clerk shall issue the notice to the sheriff or a constable of the county of the reputed owner's residence, with prior approval by the board of supervisors with the acknowledgement that the board will cover any incurred costs of any initial system updates required to facilitate this action if the owner is a resident of the State of Mississippi, and the sheriff or constable shall also be required to serve notice as follows:

(a) Upon the reputed owner personally, if he can be found in the county after diligent search and inquiry, by handing him a true copy of the notice;

(b) If the reputed owner cannot be found in the county after diligent search and inquiry, then by leaving a true copy of the notice at his usual place of abode with the spouse of the reputed owner or some other person who lives at his usual place of abode above the age of sixteen (16) years, and willing to receive the copy of the notice; or

(c) If the reputed owner cannot be found after diligent search and inquiry, and if no person above the age of sixteen (16) years who lives at his usual place of abode can be found at his usual place of abode who is willing to receive the copy of the notice, then by posting a true copy of the notice on a door of the reputed owner's usual place of abode.

The sheriff or constable shall make his return to the chancery clerk issuing the notice. The clerk shall also mail a copy of the notice to the reputed owner at his usual street address, if it can be ascertained after diligent search and inquiry, or to his post-office address if only that can be ascertained, and he shall note such action on the tax sales record. The clerk shall also be required to publish the name and address of the reputed owner of the property and the legal description of the property in a public newspaper of the county in which the land is located, or if no newspaper is

published as such, then in a newspaper having a general circulation in the county. The publication shall be made at least forty-five (45) days prior to the expiration of the redemption period.

If the reputed owner is a nonresident of the State of Mississippi, then the clerk shall mail a copy of the notice to the reputed owner in the same manner as set out in this section for notice to a resident of the State of Mississippi, except that notice served by the sheriff or constable shall not be required.

Notice by mail shall be by registered or certified mail. In the event the notice by mail is returned undelivered and the notice as required in this section to be served by the sheriff or constable is returned not found, then the clerk shall make further search and inquiry to ascertain the reputed owner's street and post-office address. If the reputed owner's street or post-office address is ascertained after the additional search and inquiry, the clerk shall again issue notice as set out in this section. If notice is again issued and it is again returned not found and if notice by mail is again returned undelivered, then the clerk shall file an affidavit to that effect and shall specify in the affidavit the acts of search and inquiry made by him in an effort to ascertain the reputed owner's street and post-office address and the affidavit shall be retained as a permanent record in the office of the clerk and that action shall be noted on the tax sales record. If the clerk is still unable to ascertain the reputed owner's street or post-office address after making search and inquiry for the second time, then it shall not be necessary to issue any additional notice but the clerk shall file an affidavit specifying the acts of search and inquiry made by him in an effort to ascertain the reputed owner's street and post-office address and the affidavit shall be retained as a permanent record in the office of the clerk and that action shall be noted on the tax sale record.

For examining the records to ascertain the record owner of the property, the clerk shall be allowed a fee of Fifty Dollars ($50.00); for issuing the notice the clerk shall be allowed a fee of Two Dollars ($2.00) and, for mailing the notice and noting that action on the tax sales record, a fee of One Dollar ($1.00); and for serving the notice, the sheriff or constable shall be allowed a fee of Forty-five Dollars ($45.00). For issuing a second notice, the clerk shall be allowed a fee of Five Dollars ($5.00) and, for mailing the notice and noting that action on the tax sales record, a fee of Two Dollars and Fifty Cents ($2.50), and for serving the second notice, the sheriff or constable shall be allowed a fee of Forty-five Dollars ($45.00). The clerk shall also be allowed the actual cost of publication. The fees and cost shall be taxed against the owner of the land if the land is redeemed, and if not redeemed, then the fees are to be taxed as part of the cost against the purchaser. The failure of the landowner to actually receive the notice herein required shall not render the title void, provided the clerk and sheriff or constable have complied with the duties prescribed for them in this section.

Should the clerk inadvertently fail to send notice as prescribed in this section, then the sale shall be void and the clerk shall not be liable to the purchaser or owner upon refund of all purchase money paid.

HISTORY: Codes, 1892, § 3818; 1906, § 4333; Hemingway's 1917, § 6967; 1930, § 3258; 1942, § 9942; Laws, 1922, ch. 241; Laws, 1968, ch. 514, § 1; Laws, 1975, ch. 517, § 2; Laws, 1981, ch. 375, § 1; Laws, 1995, ch. 468, § 12; Laws, 2007, ch. 364, § 1; Laws, 2013, ch. 365, § 1, eff from and after July 1, 2013; Laws, 2021, ch. 370, § 1, eff from and after July 1, 2021.

Amendment Notes — The 2021 amendment rewrote the introductory paragraph, which read: "The clerk shall issue the notice to the sheriff of the county of the reputed owner's residence, if he is a resident of the State of Mississippi, and the sheriff shall be required to serve notice as follows"; inserted "or constable" throughout the rest of the section; and in the next-to-last paragraph, substituted "Forty-five Dollars ($45.00)" for "Thirty-five Dollars ($35.00)" twice.

JUDICIAL DECISIONS

ANALYSIS

1. In general.
2. Failure of clerk to give prescribed notice.
4. Failure to Serve Personally.

1. In general.

Because substantial credible evidence supported the finding that many of the requirements under the statute were not met, a 1998 tax deed was void, and a grantee was the rightful owner of the property and was entitled to statutory redemption notice with respect to the 1993 tax sale; the county chancery clerk admitted to numerous notice insufficiencies relating to the 1990 tax sale, including the chancery court's failure to notify the grantee or her agent and publish notice of the tax sale. Alexander v. Musgrove, 311 So. 3d 668, 2021 Miss. App. LEXIS 3 (Miss. Ct. App. 2021).

Because the chancery court's determination that the first tax deed was void was never challenged on appeal, the issue was waived; a purchaser waived any challenge to the chancery court's determination that the 1993 tax deed was void, including the theory that the grantee was not entitled to statutory notice of redemption with respect to the 1990 tax sale. Alexander v. Musgrove, 311 So. 3d 668, 2021 Miss. App. LEXIS 3 (Miss. Ct. App. 2021).

It did not appear that any discussion was had regarding a purchaser's damages after the chancery court set aside a tax sale for lack of notice, and thus, the purchaser, had not been given an opportunity to present proof of his damages; because the tax sale had been declared void, the purchaser was entitled to a hearing to present proof of his damages. Thoden v. Hallford, 310 So. 3d 1156, 2021 Miss. LEXIS 21 (Miss. 2021).

It was proper to void a tax sale for lack of notice, and the case was remanded for the purpose of a hearing on damages because the purchaser was entitled to a refund of his tax sale purchase money paid, and he was entitled to a lien on the land for the amount of what he paid at the tax sale with interest on that amount. Thoden v. Hallford, 310 So. 3d 1156, 2021 Miss. LEXIS 21 (Miss. 2021).

Chancellor erred in ruling a purchaser lacked standing to set aside a 2015 tax sale because the case occurred prior to amendment to Miss. Code Ann. § 27-45-27; since § 27-45-27 had not been amended, and at the time of the 2016 tax sale, the two-year redemption period relating back to the 2015 tax sale had not expired, any complaint filed prior to the 2016 tax sale would have been premature and filed on presumed non-compliance by the chancery clerk before notice obligations were triggered. Bennett Tax Co. v. Newton Cty., 298 So. 3d 440, 2020 Miss. App. LEXIS 370 (Miss. Ct. App. 2020).

Statute does not require the landowner to receive notice, and instead only requires that the clerk follow the statute and make further inquiry should the notice be returned undelivered; here, the clerk followed statutory requirements by sending the notice by certified mail, and although the return receipt had an illegible signature, it was delivered to someone at that address. Court could not find that

the illegible signature gave any warning to the clerk that the notice may have been undelivered. Outlaw v. O'Callaghan, — So. 3d —, 2020 Miss. App. LEXIS 575 (Miss. Ct. App. Oct. 13, 2020).

2. Failure of clerk to give prescribed notice.

Chancellor did not err in declaring the 2009 and 2010 tax sales void for failure to provide notice to the owner; the 2008 tax sale was void for lack of proper notice, and thus the 2008 sale was void ab initio and the owner remained the rightful owner of the property and was entitled to statutory notice of the 2009 tax sale. Further, as the clerk again failed to provide notice of the 2009 and 2010 tax sales, those sales were also void ab initio, and the chancery court properly declared the owner as the rightful owner. Rebuild Am., Inc. v. Drew, 281 So. 3d 92, 2019 Miss. App. LEXIS 30 (Miss. Ct. App. 2019).

Chancery court properly granted judgment a property owner's motion for summary judgment voiding a tax sale and setting aside the chancery clerk's conveyance issued to a purchaser because the tax sale was void since the redemption-notice statute was not strictly followed; the chancery clerk incorrectly published notice to the purchaser with the name listed in the deed vesting title, but the chancery court clerk was required to provide notice to the record and reputed owner of the land. Trust v. Ciota, 291 So. 3d 780, 2019 Miss. App. LEXIS 548 (Miss. Ct. App. 2019).

Purchaser was entitled to damages because the redemption-notice statute was not strictly followed, and thus, a tax sale was void; therefore, the issue of damages was remanded, and the chancery court was instructed to calculate the amount of statutory damages and order the purchaser to pay that amount to the purchaser. Trust v. Ciota, 291 So. 3d 780, 2019 Miss. App. LEXIS 548 (Miss. Ct. App. 2019).

In tax sale case, the clerk was not diligent in the search and inquiry to discover the taxpayer's correct address, which was easily discoverable from a recent deed of trust in the county's land records and thus, the landowner did not have the opportunity for redemption and the affirmation of the tax sale was erroneous. Campbell Props. v. Cook, 258 So. 3d 273, 2018 Miss. LEXIS 486 (Miss. 2018).

4. Failure to Serve Personally.

Chancery court found that the 2012 tax sale was void because the chancery clerk did not strictly comply with the tax sale redemption notice requirements; the chancery clerk was required to issue notice to the county sheriff to personally serve the corporation's Mississippi registered agent, and because there was no such effort made, the tax sale was void. Panola Cty. Tax Assessor v. Oak Inv. Co., 297 So. 3d 1122, 2020 Miss. App. LEXIS 348 (Miss. Ct. App. 2020).

Statute required notice by personal delivery, mail, and publication for Mississippi residents, and no effort at all was made to personally give notice to the corporation; the fact that one officer of that corporation resided out-of-state did not change these requirements. Furthermore, an exhibit was merely an envelope to that officer marked "return to sender—not deliverable as addressed—unable to forward," which did not meet rule requirements, and the tax sales were void. Panola Cty. Tax Assessor v. Oak Inv. Co., 297 So. 3d 1122, 2020 Miss. App. LEXIS 348 (Miss. Ct. App. 2020).

Tax sale was void because there was no evidence of (1) the chancery clerk's notice requirements or (2) attempts to personally serve the land's owner with process. Orcutt v. Chambliss, 243 So. 3d 757, 2018 Miss. App. LEXIS 23 (Miss. Ct. App. 2018).

§ 27-43-5. Notice to lienors.

JUDICIAL DECISIONS

2. Construction and application, generally.

Miss. Code Ann. § 27-43-1, which governs the form of statutory notice to the record landowner, merely provides that the clerk here describe lands to be forfeited, and Miss. Code Ann. § 27-43-5 requires the same; the only difference is that the § 27-43-5 notice must also contain the book, page, and date of the instrument recording the lien filed with the clerk's office. Here, the chancery court cited no relevant authority to support its finding that the property's legal description must be fully included in the notice of forfeiture. Outlaw v. O'Callaghan, — So. 3d —, 2020 Miss. App. LEXIS 575 (Miss. Ct. App. Oct. 13, 2020).

§ 27-43-9. Liens; entry and certification.

JUDICIAL DECISIONS

1. In general.

Chancellor erred in ruling a purchaser lacked standing to set aside a 2015 tax sale because the case occurred prior to amendment to Miss. Code Ann. § 27-45-27; since § 27-45-27 had not been amended, and at the time of the 2016 tax sale, the two-year redemption period relating back to the 2015 tax sale had not expired, any complaint filed prior to the 2016 tax sale would have been premature and filed on presumed non-compliance by the chancery clerk before notice obligations were triggered. Bennett Tax Co. v. Newton Cty., 298 So. 3d 440, 2020 Miss. App. LEXIS 370 (Miss. Ct. App. 2020).

CHAPTER 45.

AD VALOREM TAXES—REDEMPTION OF LAND SOLD FOR TAXES

Sec.

27-45-27. Rights of purchaser at tax sale; effect of lien; no right of action to challenge validity of tax sale; liability of county or municipal officers to purchasers.

§ 27-45-3. Persons who may redeem land.

JUDICIAL DECISIONS

ANALYSIS

1. In general.
9. Statutory damages.

1. In general.

Statute was inapplicable to the case because the case did not involve a redemption; the taxpayer received no notice that the redemption period on her property would soon expire, and thus, she never made any attempt to redeem the property. Thoden v. Hallford, 310 So. 3d 1156, 2021 Miss. LEXIS 21 (Miss. 2021).

9. Statutory damages.

Purchaser was entitled to damages because the redemption-notice statute was not strictly followed, and thus, a tax sale was void; therefore, the issue of damages was remanded, and the chancery court was instructed to calculate the amount of statutory damages and order the purchaser to pay that amount to the pur-

chaser. Trust v. Ciota, 291 So. 3d 780, 2019 Miss. App. LEXIS 548 (Miss. Ct. App. 2019).

Chancellor wrongly calculated a tax sale purchaser's damages arising from a void tax sale because the damages were (1) based on compound interest which was not statutorily authorized, and (2) limited to certain tax years. Orcutt v. Chambliss, 243 So. 3d 757, 2018 Miss. App. LEXIS 23 (Miss. Ct. App. 2018).

§ 27-45-5. Deposit of redemption funds; disposition.

HISTORY: Codes, 1942, § 9949; Laws, 1940, ch 303; brought forward without change, Laws, 2021, ch. 370, § 2, eff from and after July 1, 2021.

Editor's Notes — This section was brought forward without change by Laws of 2021, ch. 370, § 2. Since the language of the section as it appears in the main volume is unaffected by the bringing forward of the section, it is not reprinted in this supplement.

Amendment Notes — The 2021 amendment brought the section forward without change.

§ 27-45-27. Rights of purchaser at tax sale; effect of lien; no right of action to challenge validity of tax sale; liability of county or municipal officers to purchasers.

(1) The amount paid by the purchaser of land at any tax sale thereof for taxes, either state and county, levee or municipal, and interest on the amount paid by the purchaser at the rate of one and one-half percent (1-1/2%) per month, or any fractional part thereof, and all expenses of the sale and registration, thereof shall be a lien on the land in favor of the purchaser and the holder of the legal title under him, by descent or purchase, if the taxes for which the land was sold were due, although the sale was illegal on some other ground. The purchaser and the holder of the legal title under him by descent or purchase, may enforce the lien by bill in chancery, and may obtain a decree for the sale of the land in default of payment of the amount within some short time to be fixed by the decree. In all suits for the possession of land, the defendant holding by descent or purchase, mediately or immediately, from the purchaser at tax sale of the land in controversy, may set off against the complainant the above-described claim, which shall have the same effect and be dealt with in all respects as provided for improvements in a suit for the possession of land. But the term "suits for the possession of land," as herein used, does not include an action of unlawful entry and detainer.

(2) No purchaser of land at any tax sale, nor holder of the legal title under him by descent or distribution, shall have any right of action to challenge the validity of the tax sale.

(3) No county or municipal officer shall be liable to any purchaser at a tax sale or any recipient of a tax deed for any error or inadvertent omission by such official during any tax sale.

HISTORY: Codes, 1871, § 1718; 1880, § 536; 1892, § 3830; 1906, § 4345; Hemingway's 1917, § 6979; 1930, § 3275; 1942, § 9960; Laws, 1932, ch. 286; Laws, 1995, ch. 468, § 16, eff from and after passage (approved March 27, 1995); Laws, 2019, ch. 457, § 1, eff from and after July 1, 2019.

Amendment Notes — The 2019 amendment added (2) and redesignated former (2) as (3).

JUDICIAL DECISIONS

ANALYSIS

1. In general.
2. Application.

1. In general.

It did not appear that any discussion was had regarding a purchaser's damages after the chancery court set aside a tax sale for lack of notice, and thus, the purchaser, had not been given an opportunity to present proof of his damages; because the tax sale had been declared void, the purchaser was entitled to a hearing to present proof of his damages. Thoden v. Hallford, 310 So. 3d 1156, 2021 Miss. LEXIS 21 (Miss. 2021).

It was proper to void a tax sale for lack of notice, and the case was remanded for the purpose of a hearing on damages because the purchaser was entitled to a refund of his tax sale purchase money paid, and he was entitled to a lien on the land for the amount of what he paid at the tax sale with interest on that amount. Thoden v. Hallford, 310 So. 3d 1156, 2021 Miss. LEXIS 21 (Miss. 2021).

To retroactively apply the statute would impair the obligations of contract and retroactively apply a statute which does not meet the statutory retroactivity. test. Bennett Tax Co. v. Newton Cty., 298 So. 3d 440, 2020 Miss. App. LEXIS 370 (Miss. Ct. App. 2020).

2. Application.

Chancery court's final judgment awarding plaintiffs refunds of their purchase price amounts paid in tax sales was a vested right held by them that could not be abrogated by the legislature's 2019 enactment of Miss. Code Ann. § 27-45-27(2); the judgment fully adjudicated the only issues presented to the court, the validity of the tax sales and was final for appeal purposes, plus the litigation was between the county and plaintiffs, which were private entities. Panola Cty. Tax Assessor v. Oak Inv. Co., 297 So. 3d 1122, 2020 Miss. App. LEXIS 348 (Miss. Ct. App. 2020).

Chancellor erred in ruling a purchaser lacked standing to file its complaint to set aside a 2015 tax sale after the expiration of the two-year redemption period where the property was struck-off to the State of Mississippi because the case occurred prior to amendment to the statute; the rule that a purchaser had standing to challenge the validity of the sale under the notice provisions, both prior to and after expiration of the redemption period, regardless of the validity of the sale applied. Bennett Tax Co. v. Newton Cty., 298 So. 3d 440, 2020 Miss. App. LEXIS 370 (Miss. Ct. App. 2020).

Chancellor erred in ruling a purchaser lacked standing to set aside a 2015 tax sale because the case occurred prior to amendment to Miss. Code Ann. § 27-45-27; since § 27-45-27 had not been amended, and at the time of the 2016 tax sale, the two-year redemption period relating back to the 2015 tax sale had not expired, any complaint filed prior to the 2016 tax sale would have been premature and filed on presumed non-compliance by the chancery clerk before notice obligations were triggered. Bennett Tax Co. v. Newton Cty., 298 So. 3d 440, 2020 Miss. App. LEXIS 370 (Miss. Ct. App. 2020).

CHAPTER 51.

AD VALOREM TAXES—MOTOR VEHICLES

IN GENERAL

Sec.
27-51-41. Exemptions and credits; sale or other disposition of vehicle; penalties.

§ 27-51-5. Definitions.

The subject words and terms of this section, for the purpose of this chapter, shall have meanings as follows:

(a) "Motor vehicle" means any device and attachments supported by one or more wheels which is propelled or drawn by any power other than muscular power over the highways, streets or alleys of this state. The term "motor vehicle" shall not include electric bicycles and electric personal assistive mobility devices as defined in Section 63-3-103, or golf carts or low speed vehicles as defined in Section 63-32-1. However, mobile homes which are detached from any self propelled vehicles and parked on land in the state are hereby expressly exempt from the motor vehicle ad valorem taxes, but house trailers which are actually in transit and which are not parked for more than an overnight stop are not exempted.

(b) "Public highway" means and includes every way or place of whatever nature, including public roads, streets and alleys of this state generally open to the use of the public or to be opened or reopened to the use of the public for the purpose of vehicular travel, notwithstanding that the same may be temporarily closed for the purpose of construction, reconstruction, maintenance, or repair.

"Administrator of the road and bridge privilege tax law" means the official authorized by law to administer the road and bridge privilege tax law of this state.

HISTORY: Codes, 1942, § 10007-03; Laws, 1958, ch. 588, § 3; Laws, 1960, ch. 413, § 1; Laws, 1968, ch. 587, § 16; Laws, 2003, ch. 485, § 6; eff from and after July 1, 2003 ; Laws, 2021, 355, § 5, eff from and after July 1, 2021; Laws, 2021, 367, § 5, eff from and after passage (approved March 17, 2021).

Joint Legislative Committee Note — Section 5 of Chapter 355, Laws of 2021, effective from and after July 1, 2021, (approved March 17, 2021), amended this section. Section 5 of Chapter 367, Laws of 2021, effective from and after passage (approved March 17, 2021), also amended this section. As set out above, this section reflects the language of both amendments pursuant to Section 1-1-109 which gives the Joint Legislative Committee on Compilation, Revision, and Publication of Legislation authority to integrate amendments so that all versions of the same code section enacted within the same legislative session may become effective. The Joint Committee on Compilation, Revision, and Publication of Legislation ratified the integration of these amendments as consistent with the legislative intent at the August 20, 2021, meeting of the Committee.

Amendment Notes — The first 2021 amendment (ch. 355) inserted "electric bicycles and" in the second sentence of (a).

The second 2021 amendment (ch. 367), effective March 17, 2021, in (a), added "or golf carts or low-speed vehicles as defined in Section 63-32-1."

§ 27-51-9. Taxable and fiscal years; taxes to be collected by county and municipal tax collectors; when to be paid; computation of tax.

Editor's Notes — Laws of 2019, ch. 403, § 1, effective July 1, 2019, provides:

"SECTION 1. (1) There is hereby created the Motor Vehicle Tax and License Synchronization Study Committee to examine and develop recommendations regarding the feasibility of adopting certain statewide measures for streamlining the process of a motor vehicle purchaser's paying ad valorem taxes and road and bridge privilege taxes and being issued motor vehicle license tags through the dealership.

"The committee shall, at a minimum, study and report to the 2020 Regular Session of the Legislature the following:

"(a) The feasibility of the automobile dealership issuing a twenty-one-day temporary license tag during the vehicle purchase transaction, so that law enforcement may adequately identify the vehicle during the time span required for the issuance and delivery of a permanent license tag;

"(b) The feasibility of adopting a statewide electronic system whereby motor vehicle ad valorem taxes and road and bridge privilege taxes may be paid to the automobile dealership during the vehicle purchase transaction, after which the dealership shall apply for, obtain and cause to be delivered to the purchaser a permanent license tag;

"(c) The feasibility of adopting a statewide electronic system whereby motor vehicle ad valorem taxes and road and bridge privilege taxes paid to the automobile dealership during the vehicle purchase transaction may be, at regular intervals, distributed to the appropriate taxing authorities;

"(d) The cost to the Mississippi Department of Revenue of adopting a statewide electronic system such as that described in the preceding paragraphs; and

"(e) The provisions of current Mississippi law that would need to be amended to adopt the measures described in this section and any other measures recommended by the committee.

"(2) The study committee shall be composed of the following five (5) members:

"(a) The President of the Mississippi Assessors and Collectors Association, or his/her designee;

"(b) The President of the Mississippi Automobile Dealers Association, or his/her designee;

"(c) The Commissioner of the Mississippi Department of Revenue, or his/her designee;

"(d) A member of the Mississippi State Senate appointed by the Lieutenant Governor; and

"(e) A member of the Mississippi House of Representatives appointed by the Speaker of the House.

"(3) Appointments shall be made within thirty (30) days after the effective date of this act. At the first meeting of the committee, the members shall elect from among themselves the chairman.

"(4) A majority of the members of the committee shall constitute a quorum. In the adoption of the rules, resolutions and reports, and in the election of a chairman, an affirmative vote of a majority of the members shall be required. All members shall be notified in writing of all meetings; such notices shall be mailed at least five (5) days before the date on which a meeting is to be held.

"(5) To effectuate the purposes of this section, any department, division, board, bureau, committee or agency of the state or any political subdivision thereof, shall, at the request of any member of the committee, provide such facilities, assistance, information and data as will enable the committee to properly carry out its duties."

§ 27-51-41. Exemptions and credits; sale or other disposition of vehicle; penalties.

(1) The exemptions from the provisions of this chapter shall be confined to those persons or property exempted by this chapter or by the provisions of the Constitution of the United States or the State of Mississippi. No exemption as now provided by any other statute shall be valid as against the tax levied by this chapter. Any subsequent exemption from the tax levied hereunder shall be provided by amendment to this section which shall be inserted in the bill at length.

(2) The following shall be exempt from ad valorem taxation:

(a) All motor vehicles, as defined in this chapter, and including motor-propelled farm implements and vehicles, while in the hands of bona fide dealers as merchandise and which are not being operated upon the highways of this state.

(b) All motor vehicles belonging to the federal government or the State of Mississippi or any agencies or instrumentalities thereof.

(c) All motor vehicles owned by any school district in the state.

(d) All motor vehicles owned by any fire protection district incorporated in accordance with Sections 19-5-151 through 19-5-207 or by any fire protection grading district incorporated in accordance with Sections 19-5-215 through 19-5-241.

(e) All motor vehicles owned by units of the Mississippi National Guard.

(f) All motor vehicles which are exempted from highway privilege taxes under Section 27-19-1 et seq.

(g) All motor vehicles operated in this state as common and contract carriers of property, private commercial carriers of property, private carriers of property and buses, all of which have a gross weight in excess of ten thousand (10,000) pounds.

(h) Antique automobiles as defined in Section 27-19-47, and antique pickup trucks as provided for under Section 27-19-47.2, Mississippi Code of 1972.

(i) Street rods as defined in Section 27-19-56.6.

(j)(i) Two (2) motor vehicles owned by a disabled American veteran, or by the spouse of a deceased disabled American veteran, who is entitled to purchase a distinctive license plate or tag in accordance with Section 27-19-53, regardless of the license plate or tag issued to the disabled American veteran or the veteran's spouse if the disabled American veteran is deceased.

(ii) One (1) motorcycle owned by a disabled American veteran, or by the spouse of a deceased disabled American veteran, who is entitled to purchase a distinctive license plate or tag in accordance with Section 27-19-53, regardless of the license plate or tag issued to the disabled American veteran or the veteran's spouse if the disabled American veteran is deceased.

(k) One (1) motor vehicle owned by the unremarried surviving spouse of a member of the Armed Forces of the United States who, while on active

duty, is killed or dies and one (1) motor vehicle owned by the unremarried surviving spouse of a member of a reserve component of the Armed Forces of the United States or of the National Guard who, while on active duty for training, is killed or dies.

(*l*) Motor vehicles owned by recipients of the Congressional Medal of Honor or by former prisoners of war, or by spouses of such deceased persons, in accordance with Section 27-19-54.

(m)(i) One (1) private carrier of passengers, as defined in Section 27-19-3, owned by any religious society, ecclesiastical body or any congregation thereof which is used exclusively for such society and not for profit.

(ii) All motor vehicles owned by any such religious society or any educational institution having a seating capacity greater than seven (7) passengers and used exclusively for transporting passengers for religious or educational purposes and not for profit.

(n) All motor vehicles primarily used as rentals under rental agreements with a term of not more than thirty (30) continuous days each and under the control of persons who are engaged in the business of renting such motor vehicles and who are subject to the tax under Section 27-65-231.

(o) Antique motorcycles as defined in Section 27-19-47.1.

(p) One (1) motor vehicle owned by a recipient of the Purple Heart, and one (1) motor vehicle owned by the unremarried surviving spouse of a recipient of the Purple Heart, as provided in Section 27-19-56.5.

(q) Motor vehicles that are eligible to display an authentic historical license plate as provided for in Section 27-19-56.11.

(r) Motor vehicles that are (i) designed or adapted to be used exclusively in the preparation and loading of chemicals or other material for aerial agricultural application to crops; and (ii) only incidentally used on public roadways in this state.

(s) One (1) motor vehicle owned by the mother of a service member who died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war after September 11, 2001, as provided for in Section 27-19-56.162 or Section 27-19-56.524(5).

(t) One (1) motor vehicle owned by the unremarried spouse of a service member who died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war after September 11, 2001, as provided for in Section 27-19-56.162 or Section 27-19-56.524(5).

(u) Buses and other motor vehicles that are (a) owned and operated by an entity that has entered into a contract with a school board under Section 37-41-31 for the purpose of transporting students to and from schools and (b) used by the entity for such transportation purposes. This paragraph (u) shall apply to contracts entered into or renewed on or after July 1, 2010.

(v) One (1) motor vehicle owned by a recipient of the Silver Star, and one (1) motor vehicle owned by the unremarried surviving spouse of a recipient of the Silver Star, as provided in Section 27-19-56.284.

(w) One (1) motor vehicle owned by a person who is a law enforcement officer and who (i) was wounded or otherwise received intentional or accidental bodily injury, regardless of whether occurring before or after July 1, 2014, while engaged in the performance of his official duties, provided the wound or injury was not self-inflicted, (ii) was required to receive medical treatment for the wound or injury due to the nature and extent of the wound or injury, and (iii) is eligible to receive a special license plate or tag under Section 27-19-56 as a result of such wound or injury, regardless of whether the person obtains such a plate or tag. Application for the exemption provided in this paragraph (w) may be made at the time of initial registration of a vehicle and renewal of registration. In addition, an applicant for the exemption must provide official written documentation that (i) the applicant is a law enforcement officer who was wounded or otherwise received intentional or accidental bodily injury while engaged in the performance of his official duties and that the wound or injury was not self-inflicted along with official written documentation verifying receipt of medical treatment for the wound or injury and the nature and extent of the wound or injury, and (ii) the applicant is eligible to receive a special license plate or tag under Section 27-19-56 as a result of such wound or injury, regardless of whether the person obtains such a plate or tag.

(x) One (1) motor vehicle owned by an honorably discharged veteran of the Armed Forces of the United States who served during World War II, and one (1) motor vehicle owned by the unremarried surviving spouse of such veteran, as provided in Section 27-19-56.438.

(3) Any claim for tax exemption by authority of the above-mentioned code sections or by any other legal authority shall be set out in the application for the road and bridge privilege license, and the specific legal authority for such tax exemption claim shall be cited in said application, and such authority cited shall be shown by the tax collector on the tax receipt as his authority for not collecting such ad valorem taxes, and the tax collector shall carry forward such information in his tax collection reports.

(4) Any motor vehicle driven over the highways of this state to the extent that the owner of such motor vehicle is required to purchase a road and bridge privilege license in this state, yet the legal situs of such motor vehicle is located in another state, shall be exempt from ad valorem taxes authorized by this chapter.

(5) If a taxpayer shall sell, trade or otherwise dispose of a vehicle on which the ad valorem and road and bridge privilege taxes have been paid in any county in the state, he shall remove the license plate from the vehicle. Such license plate must be surrendered to the issuing authority with the corresponding tax receipt, if required, and credit shall be allowed for the taxes paid for the remaining tax year on like privilege or ad valorem taxes due on another vehicle owned by the seller or transferor or by the seller's or transferor's spouse or dependent child. If the seller or transferor does not elect to receive such credit at the time the license plate is surrendered, the issuing authority shall issue a certificate of credit to the seller or transferor, or to the seller's or transferor's

spouse or dependent child, or to any other person, business or corporation, at the direction of the seller or transferor, for the remaining unexpired taxes prorated from the first day of the month following the month in which the license plate is surrendered. The total of such credit may be used by the person or entity to whom the certificate of credit is issued, regardless of the relative amounts attributed to privilege taxes or to county, school or municipal ad valorem taxes. Any credit allowed for taxes due or any certificate of credit issued may be applied to like taxes owed in any county by the person to whom the credit is allowed or by the person possessing the certificate of credit. No credit, however, shall be allowed on the charge made for the license plate. Such license plates surrendered to the tax collector shall be retained by him, and in no event shall such license plate be attached to any vehicle after being surrendered to the tax collector, nor shall any license plate be transferred from one (1) vehicle to any other vehicle.

(6) If the person owning a vehicle subject to taxation under the provisions of this chapter does not operate such vehicle on the highways of this state from the date of acquisition or, if previously registered, from the end of the anniversary month of the tag and decals to the date on which he makes application for a current license tag or decals, he shall pay such ad valorem tax for a period of twelve (12) months beginning with the first day of the month in which he applies for a current license tag or decals under Chapter 19, Title 27, Mississippi Code of 1972. The owner shall submit an affidavit with an application attesting to the fact that the vehicle was not operated on the highways of this state from the date of acquisition or, if previously registered, from the end of the anniversary month of the tag and decals to the date on which he makes application for the current license tag or decals.

(7) Any person found violating any of the provisions of this section shall be arrested and tried, and if found guilty shall be fined in an amount double the total amount of taxes involved.

HISTORY: Codes, 1942, § 10007-21; Laws, 1958, ch. 588, § 21; Laws, 1978, ch. 514, § 1; Laws, 1979, ch. 349, § 2; Laws, 1981, 1st Ex Sess, ch. 6; Laws, 1982, ch. 427 § 15; Laws, 1984, ch. 508, § 11; Laws, 1985, ch. 393, § 2; Laws, 1990, ch. 494, § 4; Laws, 1991, ch. 510, § 2; Laws, 1992, ch. 497, § 17; Laws, 1992, ch. 501, § 10; Laws, 1993, ch. 583, § 2; Laws, 1994, ch. 465, § 2; Laws, 1994, ch. 563, § 6; Laws, 1994, ch. 512, § 3; Laws, 1995, ch. 482, § 2; Laws, 1997, ch. 377, § 15; Laws, 1997, ch. 552, § 2; Laws, 1999, ch. 476, § 4; Laws, 2000, ch. 536, § 27; Laws, 2001, ch. 596, § 51; Laws, 2003, ch. 433, § 2; Laws, 2003, ch. 529, § 34; Laws, 2008, ch. 515, § 2; Laws, 2010, ch. 502, § 1; Laws, 2011, ch. 523, § 54; Laws, 2013, ch. 560, § 51; Laws, 2014, ch. 483, § 39; Laws, 2016, ch. 478, § 34, eff from and after July 1, 2016; Laws, 2019, ch. 477, § 34, eff from and after July 1, 2019; Laws, 2020, ch. 457, § 64, eff from and after passage (approved July 8, 2020); Laws, 2021, ch. 448, § 18, eff from and after July 1, 2021.

Amendment Notes — The 2019 amendment substituted "Two (2)" for "One (1)" in (2)(j); and in (2)(s) and (t), substituted "died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war" for "was killed in action or died in a combat zone," and deleted "while serving in the Armed Forces of the United States" following "September 11, 2001."

The 2020 amendment, effective July 8, 2020, added "or Section 27-19-56.524(5)" in

(2)(s) and (t).

The 2021 amendment, in (2), redesignated former (j) as (j)(i), and added (j)(ii).

MOTOR VEHICLE AD VALOREM TAX CREDIT

Sec.
27-51-103. Tax credit; amount allowed against ad valorem taxes.

§ 27-51-103. Tax credit; amount allowed against ad valorem taxes.

(1) From and after January 1, 1995, through June 30, 1995, a taxpayer shall be allowed as a credit towards the tax liability imposed by Chapter 51, Title 27, Mississippi Code of 1972, on the amount of ad valorem taxes due during the taxable year on any private carrier of passengers and light carrier of property owned by him, an amount equal to five percent (5%) of the assessed value of the motor vehicle.

(2) From and after July 1, 1995, a taxpayer shall be allowed as a credit against motor vehicle ad valorem taxes due under Chapter 51, Title 27, Mississippi Code of 1972, on any private carrier of passengers and light carrier of property owned by him, an amount as provided for in subsection (3) of this section.

(3)(a) Except as otherwise provided in paragraph (b) of this subsection, from and after July 1, 1995, the amount of the credit that a taxpayer shall be allowed against motor vehicle ad valorem taxes due under Chapter 51, Title 27, Mississippi Code of 1972, shall be determined by the State Tax Commission for each fiscal year. The amount of the credit shall be promulgated by the commission on or before May 1 prior to each state fiscal year beginning with the state fiscal year beginning on July 1, 1995. In developing the credit, the commission shall establish credit amounts that provide for an equal percentage of dollar credit amounts for private carriers of passengers and light carriers of property in proportion to their assessed value, based on the projected amount of funds in the Motor Vehicle Ad Valorem Tax Reduction Fund that will be available for distribution in such state fiscal year. The commission may calculate the credit in such a manner so as to have surplus funds available in the Motor Vehicle Ad Valorem Tax Reduction Fund for cash-flow needs and monthly shortfalls that might be incurred as a result of unexpected revenue fluctuations; however, in the calculation of the credit in order to make such surplus funds available, the commission shall attempt to create a balance in the Motor Vehicle Ad Valorem Tax Reduction Fund that does not exceed, at the end of any state fiscal year, five percent (5%) of the projected amount of funds that will be available in the Motor Vehicle Ad Valorem Tax Reduction Fund for distribution during such state fiscal year.

(b) From and after July 1, 2009, through June 30, 2010, a taxpayer shall be allowed as a credit towards the tax liability imposed by Chapter 51, Title 27, Mississippi Code of 1972, on the amount of ad valorem taxes due

during the taxable year on any private carrier of passengers and light carrier of property owned by him, an amount equal to four and twenty-five one-hundredths percent (4.25%) of the assessed value of the motor vehicle.

(4) Tax credits provided for by this section may be used against motor vehicle ad valorem taxes due under Chapter 51, Title 27, Mississippi Code of 1972, at the time that a taxpayer pays motor vehicle ad valorem taxes to the county tax collector.

(5) Each receipt for motor vehicle ad valorem taxes shall clearly indicate that the credit provided for by this section is granted as a result of legislative action but shall not specify any particular legislative session.

(6) A taxpayer who is delinquent in the payment of motor vehicle ad valorem taxes to the extent that the penalty assessed pursuant to Section 27-51-43, Mississippi Code of 1972, has reached twenty-five percent (25%) of the ad valorem taxes due shall not be eligible to receive the tax credit authorized pursuant to this section.

HISTORY: Laws, 1994, ch. 563, § 2; Laws, 2009, ch. 562, § 3, eff from and after July 1, 2009; Laws, 2020, ch. 338, § 1, eff from and after July 1, 2020.

Amendment Notes — The 2020 amendment added "but shall not specify any particular legislative session" at the end of (5).

CHAPTER 53.

AD VALOREM TAXES—MOBILE HOMES

Sec.

§ 27-53-5. Registration of mobile homes with county assessor; re-registration upon relocation within county; registration required for utility service; proof of payment of use tax required to register.

(1) It shall be the duty of the owner of a manufactured home or mobile home, not later than seven (7) days, Saturdays, Sundays and legal holidays excluded, after the date of purchase or entry into the county where the manufactured home or mobile home is located, to register such manufactured home or mobile home with the tax collector of the county where the manufactured home or mobile home is located. If a certificate of title has been issued or applied for concerning the manufactured home or mobile home, the original certificate of title or a copy of the application shall be presented to the tax

collector at the time of the registration. The registration application for such manufactured home or mobile home shall contain the following information: name and address of owner, length and width of the manufactured home or mobile home, serial number or vehicle identification number (VIN) of manufactured home or mobile home, make of manufactured home or mobile home, date of purchase, present market value, and address where manufactured home or mobile home is located if other than the address of the owner. At the time that an owner registers his manufactured home or mobile home, and before a registration certificate may be issued by the tax collector, the owner of the manufactured home or mobile home shall pay a registration fee of One Dollar ($1.00) to the county tax collector and provide proof of payment of the previous year's taxes unless the manufactured home or mobile home was purchased from a licensed dealer. It is also the duty of the owner of the manufactured home or mobile home to reregister his manufactured home or mobile home with the tax collector within seven (7) days after the relocation of such manufactured home or mobile home from one (1) location in the county to another location in the county in order that there will always be on file with the tax collector the current address of such manufactured home or mobile home.

(2) It shall be the duty of every manufactured home or mobile home owner to provide either (a) proof of registration in the county in which the manufactured home or mobile home is located and at the address at which utility service is to be provided, as required by subsection (1), or (b) a certified copy of a recorded affidavit of affixation, together with a copy of the initial or any subsequent written confirmation from the Department of Revenue that the title to such home has been permanently retired, to each utility company whose service is procured by the owner before the utility company shall connect its services. For purposes of this section, "utility" shall mean and include water, gas, electric and telephone services, including such utilities as are owned and operated by municipalities.

(3) No utility company shall connect, provide or transfer service without receiving and recording either (a) the number of the current registration certificate issued for the manufactured home or mobile home at the address where service will be connected, provided or transferred, or (b) instrument number or the book and page where the affidavit of affixation is recorded.

(4) It shall be the duty of every manufactured home or mobile home owner subject to the use tax levy in Section 27-67-5 to provide proof of payment of such tax prior to the time of registration. If the manufactured home or mobile home has been registered in another county in this state, then the owner shall only need to show proof of such registration.

(5) Every utility company, in its discretion, may furnish to the county tax collector, upon request, the names and addresses of all manufactured home or mobile home customers to whom the utility company provides a service.

(6) The owner of a manufactured home or mobile home whose title has been permanently retired to real property under Section 63-21-30 shall be exempt from the requirements of subsection (1) of this section until such time as the owner of such manufactured home or mobile home files an affidavit of severance.

HISTORY: Codes, 1942, § 10007-73; Laws, 1968, ch. 587, § 3; Laws, 1977, ch. 364; Laws, 1988, ch. 377, § 1; Laws, 1990, ch. 497, § 1; Laws, 1992, ch. 454, § 1; Laws, 1994, ch. 386, § 1; Laws, 1999, ch. 556, § 37; Laws, 2002, ch. 378, § 1, eff from and after passage (approved Mar. 18, 2002); Laws, 2018, ch. 401, § 1, eff from and after January 1, 2019.

Amendment Notes — The 2018 amendment, effective January 1, 2019, inserted "or vehicle identification number (VIN)" in the third sentence of (1); in (2), inserted "either (a)" and "or (b) a certified copy ... title to such home has been permanently retired"; in (3), inserted "either (a)" and "or (b) instrument number ... affidavit of affixation is recorded," and made a minor grammatical change; and added (6).

§ 27-53-15. Manufactured or mobile homes shall be personal property unless home owner who owns the land elects to classify the home as real property for tax purposes or retires the title; conditions for classification as real property; security interests; certificates of classification and reclassification; fees.

(1) A manufactured home or mobile home shall be considered personal property for purposes of ad valorem taxation unless the manufactured homeowner or mobile homeowner who owns the land on which the manufactured home or mobile home is located either:

(a) Declares at the time of registration that the manufactured home or mobile home shall be classified as real property for ad valorem tax purposes only under subsection (2) of this section; or

(b) Permanently retires the title to real property under Section 63-21-30.

(2) The manufactured homeowner or mobile homeowner who owns the land on which the manufactured home or mobile home is located shall have the option at the time of registration of declaring whether the manufactured home or mobile home shall be classified as personal or real property for ad valorem tax purposes only. If the manufactured home or mobile home is to be classified as real property for ad valorem tax purposes only, then the wheels and axles must be removed and it must be anchored and blocked in accordance with the rules and procedures promulgated by the Commissioner of Insurance of the State of Mississippi. After the wheels and axles have been removed and the manufactured home or mobile home has been anchored and blocked in accordance with such rules and procedures, the manufactured home or mobile home shall be considered to have been affixed to a permanent foundation. The county tax assessor shall then enter the manufactured home or mobile home on the land rolls and tax it as real property on the land on which it is located from the date of registration. At such time, the county tax assessor shall issue a certificate certifying that the manufactured home or mobile home has been classified as real property for ad valorem tax purposes only. Such certificate shall contain the name of the owner of the manufactured home or mobile home, the name of the manufacturer, the model, the serial number or VIN and the legal description of the real property on which the manufactured home or

mobile home is located. The county tax assessor shall cause such certificate to be filed in the land records of the county in which the property is situated. After filing, the chancery clerk shall forward the certificate to the owner. For issuance of the certificate, a fee of Ten Dollars ($10.00) shall be collected by the county tax assessor and retained by the county tax assessor and the county tax assessor shall also collect the applicable fee pursuant to Section 25-7-9(1)(b) for the filing of the certificate and such fee shall be forwarded to the chancery clerk. Upon the filing of the certificate in the land records, the manufactured home or mobile home shall then be considered real property for purposes of ad valorem taxation only. The filing of such a certificate shall not affect the validity or priority of any existing perfected lien. If a manufactured home or mobile home is classified as real property for ad valorem tax purposes only and no certificate of title was required to be issued or issued for such property pursuant to Chapter 21, Title 63, Mississippi Code of 1972, a security interest may be obtained therein through the use of a mortgage or deed of trust describing both the manufactured home or mobile home and the land on which the manufactured home or mobile home is located. For a manufactured home or mobile home classified as personal property for which no certificate of title was required to be issued or issued pursuant to the provisions of Chapter 21, Title 63, Mississippi Code of 1972, the perfection of a security interest therein shall be governed by the provisions of Chapter 9, Title 75, Mississippi Code of 1972. Regardless of whether a manufactured home or mobile home for which a certificate of title was required to be issued or issued pursuant to the provisions of Chapter 21, Title 63, Mississippi Code of 1972, is classified as real property for ad valorem tax purposes only or is classified as personal property, the perfection of a security interest therein shall be governed by the provisions of Chapter 21, Title 63, Mississippi Code of 1972. A manufactured home or mobile home that has been classified as personal property may be reclassified as real property for ad valorem tax purposes only at the option of its owner if the owner obtains a certification from the tax assessor as provided in this section. Conversely, a manufactured home or mobile home that has been classified as real property for ad valorem tax purposes only may be reclassified for purposes of ad valorem taxation only as personal property at the option of its owner if there is no lien against it and if the owner notifies the county tax assessor to reassess it and have the county tax collector enter it upon the manufactured home rolls. Upon a request for reclassification, if no certificate of title was required to be issued or issued for the manufactured home or mobile home, there must be no lien against it and the property owner shall present proof satisfactory to the tax assessor that there are no liens outstanding on the property. If there is a lien against the manufactured home or mobile home, the county tax assessor shall refuse to allow the county tax collector to reclassify it as personal property until the lien has been released. If a certificate of title as provided in Chapter 21, Title 63, Mississippi Code of 1972, has been issued, the manufactured home or mobile home may be reclassified for ad valorem taxation purposes only regardless of whether a lien exists on the certificate of title. Upon such request, the tax assessor may issue a certificate

cancelling the classification of the manufactured home or mobile home as real property for ad valorem tax purposes only and cause such certification to be filed in the land records of the county in which the property is situated. For issuance of the certificate, a fee of Ten Dollars ($10.00) shall be collected by the county tax assessor and retained by the county tax assessor and the county tax assessor shall also collect the applicable fee pursuant to Section 25-7-9(1)(b) for the filing of the certificate and such fee shall be forwarded to the chancery clerk.

(3) If the title to a manufactured home or mobile home has been permanently retired to real property under Section 63-21-30, then the county tax assessor shall enter the manufactured home or mobile home on the land rolls and tax it as real property on the land on which it is located from the date of recordation of the affidavit of affixation. Upon the filing of the affidavit of affixation in the land records, the manufactured home or mobile home shall be considered real property for ad valorem taxation and for all other purposes.

HISTORY: Codes, 1942, § 10007-78; Laws, 1968, ch. 587, § 8; Laws, 1971, ch. 359, § 1; Laws, 1982, ch. 369; Laws, 1994, ch. 386, § 5; Laws, 1999, ch. 556, § 42, eff from and after July 1, 1999; Laws, 2018, ch. 401, § 2, eff from and after January 1, 2019.

Amendment Notes — The 2018 amendment, effective January 1, 2019, added (1) and (3), and designated the entirety of the formerly undesignated section (2); in (2), inserted "for ad valorem tax purposes only" eight times, inserted "or VIN" in the sixth sentence, rewrote the ninth sentence, which read: "For issuance of the certificate, a fee of Twelve Dollars ($12.00) shall be collected by the county tax assessor, Ten Dollars ($10.00) of which shall be retained by the assessor and Two Dollars ($2.00) of which shall be forwarded to the chancery clerk for filing the certificate," inserted "only" at the end of the tenth sentence, inserted "only" the second time it appears in the sixteenth sentence, inserted "only" in the nineteenth sentences, and rewrote the last sentence, which read: "For issuance of the certificate, a fee of Twelve Dollars ($12.00) shall be collected by the county tax assessor, Ten Dollars ($10.00) of which shall be retained by the assessor and Two Dollars ($2.00) of which shall be forwarded to the chancery clerk for filing the certificate."